

**A PLAN FOR MUNICIPAL REFORM
IN INDIA**

**" Your weakness city,
Is that you have a soul."**

—Laurence Hartmus.

In this treatise, the terms Council and Councillors have been used for the Indian Municipal Authorities and their constituent members. It is considered that these terms could now with advantage be made universal, and that they would be more appropriate than the prevalent terms, Committee or Boards, and their members or Commissioners.

A Plan for Municipal Reform In India

[URBS INDIS]

by

H. D. SHOURIE, M. SC.,

Civil Service, Punjab

AUTHOR OF "THIS UNIVERSE OF SCIENCE"

FOREWORD BY

The Hon'ble Sir ABDUL RASHID,

Chief Justice, High Court of Judicature at Lahore

INDIAN BOOK COMPANY LIMITED
CHURCH ROAD, KASHMERE GATE, DELHI

FIRST IMPRESSION

ALL RIGHTS RESERVED

checked
by
Bh

352.054
SH78 P

Printed by Mirza Mohammad Sadiq at the Ripon Printing Press,
Bull Road, Lahore and published by Dina Nath, M.A., for Indian
Book Company Ltd., Church Road, Kashmere Gate, Delhi

CONTENTS

CHAPTER	PAGE
I. The City to the Nation	9
II. Lost Opportunities	19
III. The Impeachment	37
IV. The New Horizons	51
V. The Re-Orientation	58
VI. Electorate and the Elections	75
VII. ✓ Municipalities, their Constitutions, and Composition	93
VIII. ✓ Municipal Executive and Services	115
IX. ✓ Powers and Functions	130
X. ✓ Municipal Finances	145
XI. ✓ City Planning	165
XII. ✓ Planning and Housing	193

CENTRAL BY



ALLAMA IQBAL LIBRARY



59602

(59602)

J. & K. UNIVERSITY LIB.	
Acc No	59602
Date12..4..66.....

Ar

STR

ST 01

SA

FOREWORD

In resurgent Asia, India pulsates with new life, born of the vision of freedom and independent nationhood. Its march towards true democracy will have failed to achieve its purpose if it cannot eliminate squalor, dirt, and over-crowding from its principal towns.

The towns of this sub-continent have an important role to play in moulding the spirit of its people, though the importance of the primary unit, the village, cannot be minimised. These towns should continue to retain their oriental character, but they should be so modernised as to provide the latest amenities in hygiene, sanitation and planning to their inhabitants. The care and welfare of the workers and peasants should be the watch-word of our City-Fathers.

The failures and defaults of the Municipal administration in the past should not dishearten us. On the contrary, they should infuse fresh vigour in our efforts to create anew. The shortcomings which have hitherto crippled our efforts should be remembered only in order to avoid the communal squabbles which have been a deplorable feature of our city life.

The magnitude of the task which lies ahead must be fully comprehended and not minimised. The towns of this country have suffered by the neglect of centuries, and cannot be re-designed overnight. It will need the

sustained and concerted effort of the Governments and the people to make the present chaos yield to order and cleanliness.

Mr. Shourie has written an excellent book dealing with planned re-organisation and development of Local Self-Government. Its exposition of the previous handicaps and the analysis of the problems such as those relating to government control, the constitution and election of municipal bodies, the services, the concentration of executive authority, and the scope of powers and functions of Municipal corporations and Municipal finance will provide food for thought to the Legislators and Administrators of the future. The role of the common man in relation to civic administration has been ably explained. Mr. Shourie's presentation of the principles of town-planning and housing embodies useful suggestions which require careful examination. A great many of these suggestions will undoubtedly be adopted by town-planners of the future.

The two Dominions of the Indian Union and Pakistan should regard this book as a landmark in municipal administration. I have no doubt that this book will be widely read and appreciated by all those who wish to improve the towns and villages of these two Dominions beyond recognition.

High Court,
Lahore.

ABDUL RASHID
Chief Justice.

CHAPTER I

THE CITY TO THE NATION

To make the city is what we are here for. He who makes the city makes the world. For though men may make cities, it is just as true that cities make men.

—HENRY DRUMMOND.

India is no doubt predominantly an agricultural country, drawing its sustenance from the land and tending to the needs of its tillers. Its seven hundred thousand villages claim priority in designing the reconstruction blueprints.

Yet, its vast urbanite multitudes cannot be ignored. They constitute a major nation in themselves, more numerous in numbers than the entire United Kingdom, France, or Italy. The well-being of its towns affects the lives of sixty million of its inhabitants.

These towns are continuously increasing in size and importance, exerting a pull on the countryside and at the same time pushing themselves out on the countryside in a nationwide sprawl. They are increasingly suburbanising their fringes, appropriating to themselves ring after ring of the surrounding country.

There are now four thousand of these urban agglomerations, of over 5,000 inhabitants; about three-fourths of these being of the size between 5,000 and 10,000 inhabitants. No less than a hundred and fifty of these have populations above 50,000; and fifty-seven

have populations over a hundred thousand. Exclusive of those urban areas out of these which have more rural characteristics than urban, they house 12·8% of the entire teeming multitude of the country. This percentage varies from 2·8% in Assam and 3·7% in Orissa to 26% in Bombay. It has increased from 9·5% in 1891. In the last one decade, particularly, the urban areas have attracted over ten million inhabitants, depopulating the countryside to that extent. Some of the bigger cities have doubled in size during this decade, while all have added to themselves considerably. Total population in the bigger cities, of over 100,000 inhabitants, has increased in the last decade from 9·1 million to 16·1 million, indicating a percentage increase of 81.

Apart from these facts of the vast multitudes of the urban areas of this sub-continent and their fast increasing population, cities have an inherent cultural value and they make a distinctive contribution to the nation. The city is the physical expression and symbol of a nation's civilization. The development of urban areas and of the resultant urbanity in a country is claimed to be the barometer of its progress. The cities are the collective utility of living for the nation; y^{se} their utility is not confined to mere organization functionalism. They are the storehouse of love and loyalty of the community. Beauty, or at least order and seemliness, is as essential in their plan

development as the physical utility of living in matters of health and convenience.

The growth of cities has been one of the greatest factors in the progress of civilization. It is in the cities that arts and sciences, the expressions of human culture, have been nurtured and promoted. With the development of cities has come augmented economic intercourse, division of labour, wealth, leisure, and education. It is 'the crowd, the hum, the shock of men' of the cities that contributes to the intellectual advancement of mankind, stimulates initiative, sharpens the social faculties, and rouses the people to united action. The frozen mountains and the barren wilds have had their towering intellects, but those were gifted ones, few and far between. The intimate contact of many minds in the cities blazes the trail for the general advance of human intelligence. The massing of populations in cities has often alarmed thinking minds, but history does not show that a nation is weakened by its urbanisation. Cities have promoted and not impeded the progress of civilization.

This progress of civilization has been promoted in various ways. It made division of labour possible, thereby increasing the productive power of the people. With this increase in productive power, men have been enabled to work less and to have leisure for self-development. It made co-operation possible and inspired the people to concerted action in the common interest. It led to the creation of

new economic wants and provided at the same time the means for supplying them. It promoted discussion, facilitated interchange of ideas, and furnished opportunities for transforming ideas into actualities. It was conducive to safety in accumulation of wealth. Life, privileges, and property were rendered safer. Ideas and feelings spread more readily in cities than elsewhere ; people created a social environment and bequeathed to their children a social heritage. Through daily intercourse and mutual dependence upon one another, they developed a neighbourhood consciousness and this constituted the beginnings of civic pride.

Certain definite factors can be traced as influencing the growth of cities. These causes of the city growth assume relevancy when considering the reorganization of its administration for effecting improvements. City, in its growth, has been likened to the human being. In its early stages of development, its needs are few and simple ; but as it passes into adolescence, these desires multiply, and at full maturity they become numerous and widely diversified. Village requires little. Village in due course becomes a town, then a city, then a city a metropolitan nerve centre. The necessities multiply, and are in due course added to by the conveniences and amenities.

The factors which have primarily governed city-growth are : the modernization of agriculture, particularly in the west, whereby a handful of men have

been enabled with the help of machines and scientific fertilizers to do what previously required tens of thousand men to complete ; the transformation in industry, replacing the centrifugal and decentralizing tendency of the man-power industry ; and the development of commerce, depending upon transportation and communication. Industrialization, making worker go where work was, instead of the previous tendency of the movement of work itself to the worker in the hand-industry days, has been a potent factor in the growth of cities during the course of the last century. Industry itself sought bigger urban centres, on the score of their transportation facilities, elasticity of labour supply, and proximity to large markets. Besides these economic factors there were also the political considerations and social requirements.

Among the most conspicuous characteristics of the cities is their compactness, the concentration of large populations in their comparatively small areas. This compactness is the result of various factors, the chief out of which was the problem of defence. The problem of easy communication, in the days of animal vehicular traffic, also led to compactness. The dependence of social communication upon physical communication determined this necessity. The industrial advancement necessitated the massing of human resources near the machinery. The scattered labour was drawn together. There was grouping of machines near sources of power and

grouping of men near the machines. Finally, the considerations based on psychology and æsthetics promoted the compactness and grouping together. The towns turned out to be the material for conscious pride of their creators; another achievement in the domination over nature. The builders gloried in their urbanity.

These factors are not all operative now, thus involving a tendency towards the loosening of the previous compactness of cities. The defence of cities is now in fact handicapped by their compactness, with the threat of aerial bombing tending towards their dispersal. The developments in automobile communications have likewise obviated the necessity of compactness. The concentration of industry close to the centres of power is no longer necessary, as the electric power transmission enables the diversification of industry, taking it to the worker himself. Industries in widely scattered factories are rendered possible now, manned by labour drawn from widely scattered houses. The overcrowding in industrial slums has brought about the opposite tendency of escape into the suburbs. The previous pride and triumphant monumentality of the town has been replaced by the architectural and social degradation of the suburbs, leading to an impelling desire to escape farther out, and this is facilitated by the easy transport.

The development of cities could not but be accompanied by far-reaching consequences in the

affect the lives of all individuals to a degree not ordinarily appreciated. These local authorities supervise, direct and control our lives, awake and asleep, at work and at play ; they are there to provide for all citizens a common minimum of health, education, relief of destitution, roads, security, and beauty of environment. They sell water, electricity and transport services. The scope and detail of their work are not easily assessable ; both are immense. These authorities cause interference with the freedom of individuals, as a necessary adjunct to their providing services. They interfere with the lives of citizens in all sorts of ways, from the cradle to the grave. The citizen is rendered dependent on the corporate effort of the local authorities. The extent of this dependence manifests itself conspicuously when any one of the amenities provided by the authorities suddenly comes to grief. The stoppage of water-supply, the shutting off of the street-light electric current, the interrupted scavenging, a block in the drain, or a break in the road ; these leave the individual helpless. Without the corporate effort these amenities fail to materialise.

The administration through a corporate local authority is a system under which the people of a locality possess a certain responsibility and discretion in the administration of local public affairs and in the raising of money to meet their expenses. The object of this system of local administration is to maintain the local commonwealth in a vigorous con-

dition, to strengthen and increase its vitality, and to equip it for the fulfilment of all the duties required by a progressive age and demands of civilization. These local assemblies of citizens constitute the strength of free nations. They are to liberty what primary schools are to science. They afford invaluable training to the citizen. The unskilled elector can learn to judge things afar only by accustoming himself to judge first of things near at hand. The watchful tending and prudent nurture of these institutions, thus, is the charge of the framers of the nation's destiny. Local assemblies are their instruments for the objective that education in citizenship may be extended and everywhere take deep root. The superstructure of responsible institutions of the nation would be stably based only on the adamant foundations of its local communes.

CHAPTER II

LOST OPPORTUNITIES

Never did any public misery
Rise of itself; God's plagues still grounded are
On common stains of our humanity;
And to the flame that ruineth mankind,
Man gives the matter, or at least gives wind.

—FULKE GREVILLE.

The entire vista of local administration in India is littered with unavailing and despondent effort, lost opportunities, hesitant and false starts, and groundless fears. The retrospect is disconcertingly gloomy, even where the motive for envisioning it is a genuine one of avoiding the mistakes of the past and not mere indulgence in cheap sensationalism.

The local authorities have been synonymous with intrigue, incompetence and bankruptcy. In an appraisal of their worth they merit only a series of unpleasant recountings. They spell nepotism, jobbery, mismanagement, corruption and dilatoriness. Factionousness, self-interest, favouritism, dissensions, and ineptitude in them stalk triumphant. Matching their financial irresponsibility, their extravagances, uneconomic purchases, embezzlements by their councillors and their staff, and the creaking, inefficient and cumbersome functioning of their machinery, there is the frozen apathy of the electorate.

There is occasional, perhaps not altogether unjustifiable, protest that this generalised picture is

overdrawn in its gloominess. It is contended that maladministration has been given undue prominence, that faults have been unduly magnified, the shortcomings of the councillors exaggerated, the want of information stigmatised as abysmal ignorance, difference of opinion elaborated as dissension, every small delay amplified as reprehensible lethargy. The argument put forth is that these shortcomings and faults are the inevitable accretions of democratic institutions, particularly in their stages of early development. The democratically advanced countries of the West have also not been able to make their local communes rise above party-wranglings, corruption and nepotism. Their long experience, vast resources, and congeniality of political atmosphere, guarantee a markedly high standard of efficiency, and this covers up most of their deficiencies. It is urged that in their Indian counterparts, even if this lurid charge-sheet were substantially true, the remedy obviously does not lie in the alternative of scrapping them or reducing them to the position of mere consultative or advisory bodies, for the worship of the efficiency idol of totalitarianism.

The fact remains, however, that there are all round us the consequences of delays, neglects and wrong moves. They are baffling in their enormity and complexity. The Augean stables, it is urged, might have been kept clean by ordinary labour if the filth had been removed from day to day. Where it has been suffered to accumulate for numerous years, it has

become a task for a Hercules. There is yet no Hercules in the story of this reform in India.

The subject of this social reform does not lend itself to dramatic conflict and is thus apt to be neglected. The opposition and government are always generally in agreement about desired improvements in it; there is amity and concord in its postulates; therefore there is no enthusiasm and there is indifference. The great force in politics is party spirit or sectarian spirit, and measures which do not excite either are at a great disadvantage. India has had a spate of plans for industry, agriculture, afforestation, railways, road-system, irrigation, hydro-electricity, education; but no concrete formulation of the objectives has been in evidence in municipal reform. This subject does not obtain recognition, except as a cursory historical reference, in the educational curriculum of universities either as a separate faculty or for extra-mural teaching. Such dead weight of apathy and indifference, in a matter which is the direct concern of one-sixth of the entire population of this country, constitutes a great handicap.

The indifference in essence is the manifestation of the suicidal apathy and venality of the electorate. The victim, in this case, is his own tyrant. It is the complacency and apathy of the people themselves that hold out the invitation to the devastating epidemics that periodically visit this country. It is they who cause themselves to grovel in filth and darkness, giving themselves up to ill-health and

torturous death. It is they alone who can demand that the pathogenesis of this disease of their social life be diagnosed. Mere tinkering with the problem will be unavailing, for it will lead only to minor patch-up palliatives. It is a general overhaul of the whole system that is called for. Some local authorities in India have come in for decapitation, by supersessions. Such sledge-hammer variety of reform is no remedy, for it only breaks where it need mend. Rather than that the governments should take upon themselves the role of undertakers of superseded councils, there is need for sustained will to apply the surgical knife very boldly and extensively to the disease in the organism.

Our towns, with their criss-cross streets and their inevitable accompaniments of the heaps of rotting garbage and pools of sewage, are more often a scrabble of ugly pettiness over the face of the land, when they are shorn of their superficial glamour of orientalism. They gain notoriety for their smells and slums. We are depressed by their sight ; sniff the air and hold our breath. The streets do not in fact exist as such ; the plinth levels of houses are mere guess-work ; the straight drains are an impossibility. The towns themselves, on general appearance, present the spectacle of gigantic slums. The houses, considered as architectural compositions or as utilities for social living, fall short of what they should be. These conditions have subsisted for so long that we are almost inured to their badness. We

ignore that the towns of our creation should be orderly, perhaps beautiful. They must not be mere clusters of village streets, but in their urbanity and wholeness, constitute the real *urbs*. Looking round the spectacle that they present now to view, one feels that the people have forgotten how to build a city, how to think of one, and how to live in one.

The physical form of a town does in many ways reflect fairly accurately the social conditions of the people who live in it, their mode of life, their cultural achievement, their economic status, and the kind of government they possess. The town reflects these characteristics, as it arises out of them. This expression of culture, the urbanness, is now hardly anywhere in our towns. They are nothing but a vast, squalid, insanitary huddle of narrow, crooked streets and tumble-down houses. In the tenements of our big cities, there reside the people cramped and crowded much like the documents in a filing cabinet, while considerations of space in the country do not necessitate such crowding. As a utility of collective living these towns are meaningless. There is no domestic graciousness about them. They are never unified architectural compositions. Gone are the days even of architectural monumentality. Even if the citizens could turn out houses as machines for living in, rather than conscious masterpieces of architectural design, it would be something. The craze, however, is to set up, not any works of art, nor utilities for

living, but rabbit hutches for huddling in, somehow. What we need are houses, gracious, calm, reticent, perfectly civilized, admirable in their architectural refinement, in their simple orderly composition, where no one house dominates another, where there is perfect expression of citizenship, of the art of living in co-operative association. Our towns must be comfortable to live in, pleasant to look at ; not as mere spectacle, not at all as mere opportunity for architectural bravura, nor a monumental glorification, but as something far superior to all these ; simply as a house, the dwelling place of a community, a place designed for living in, whence enlightenment might emanate.

The suburbs of the towns, gradually encroaching on the countryside, are in no way better than the towns. They are sordid and insipid. They are an object of indifference at best, of condemnation, and an expression of human incapacity, at worst. They are the resultant of the longing to escape from the brutalized towns. The automobile transport has facilitated this escape. The new way of building, finding expression in them, is a debasement of the old tradition of the monument. In these suburbs, domesticity is everywhere, town nowhere at all. It is the individual and not collective domesticity that replaces the degradation of the towns. The new suburban town is no longer a collective home : it is a mere collection of thousands of individual homes. The emphasis on individual domesticity has destroyed the collective domesticity. The home has, in fact,

been destroyed by the houses. It is the littleness, suburbanity, petty individualism which is now triumphant.

It is perhaps no exaggeration that there is in India more sheer pain to the square mile than in any other part of the world. A dismal picture is presented by the statistics of this country in relation to mortality and morbidity rates, expectation of life averages, infantile mortality figures, and the inadequacy of preventive and curative measures of public health. These statistics emphasize the enormity of the problem while stressing its urgency.

Health index would ostensibly be a safe basis for assessment of progress of a nation towards provision of the necessities, conveniences and amenities to the public. The term 'health' itself has, in India, a negative basis for its connotation. It is generally used for implying the state of not being ill. It is forgotten that this term stands for something more than a mere absence of sickness in the individual, and in fact indicates a state of harmonious functioning of the body and mind in relation to his physical and social environment, so as to enable him to enjoy life to the fullest possible extent and to reach the maximum level of his productive capacity. The data available is confined merely to the statistics of ill-health and death, and the positive health figures remain merely a guess work. There is a stage intermediary between positive health and ill-health, where the individual may not be manifesting any

definite signs of sickness but continues so devitalised that the possible range of his physical and mental achievement is considerably restricted. The figures of this intermediary state, likewise, are assessable merely from the death and ill-health figures.

In so far as the death rate, infantile mortality, and expectation of life figures are concerned, they would bear repetition in citation in any recount, because of their startling extent. In death rate and infantile mortality, of which the respective figures are 21.8 per thousand and 158 infantile deaths per 1000 live births, India comes very near the maximum amongst all the major countries, presenting a conspicuous contrast with the healthy advanced countries where these respective figures range near less than half of these. The expectation of life at birth in India, likewise, is only 26.91 years for males and 26.56 years for females, whereas the similar figures for the other countries are nearly double of these. These figures of the expectation of life express, in terms of the probable length of life of the individual, the cumulative effect of the specific mortality rates at different ages in respect of the two sexes; the higher the specific death rate in a community the smaller will be the expectation of life. The specially vulnerable groups in any community are children, particularly those in the first year of life, and old people. In addition, women at the reproductive ages are exposed to special risks during pregnancy and child-birth,

and maternal mortality and morbidity are factors which present a fair assessment of the state of public health in a country. In India, 24.3 per cent of the total deaths are those of children under one year, 18.6 per cent deaths of children between 1 year and 5 years, and in all about 48.4 per cent of the total deaths are comprised of the deaths of children under 10 years of age. As against this high figure in India, it is only one-tenth of the total deaths in the United Kingdom which comprise of the deaths of children under 10 years of age.

The recorded rates for maternal mortality reveal that in India almost 20 maternal deaths take place per 1000 live births. It has been estimated that in British India alone, maternal deaths total annually about 200,000. With such large mortality, the number of women suffering from varying degrees of disability and incapacity as a result of child-bearing must be very much larger, probably about four million, computed on the basis of estimates of morbidity figures as related to the mortality figures.

Over six million people die in India every year, approximating more than the entire urban population of a big-sized province. Out of this multitude of mortality, the virulent epidemics of cholera, smallpox and plague, which have been practically stamped out in almost all advanced countries, continue to claim a share of over two hundred thousands. Malaria alone takes a huge toll of over a million lives every season. Estimates reveal that no less than five million people

are a prey to tuberculosis, and that as many as thirteen million people suffer from venereal diseases. In regard to the latter it has been estimated that not less than about 15% of the entire population of the country suffers from the syphilis group sometimes or other in life. Endemic diseases such as leprosy, filariasis, guineaworm infection and hookworm disease are responsible for a considerable amount of morbidity in the country, although their contribution to mortality may not be noticeably large. The present low state of public health in India, thus, is reflected in the wide prevalence of diseases and the consequent high rates of mortality in the community as a whole, and, in particular, among such vulnerable groups as children and women in the reproductive age period. It is considered that easily 50% of this mortality is preventible.

The fundamental conditions for maintenance of public health, namely, the environment conducive to healthful living, adequate nutrition, the availability of preventive and curative health protection irrespective of the capacity of the people to pay for them, and active co-operation of the people in the maintenance of their own health ; these all are in some measure or other lacking in India. Environmental sanitation is at a low level in most parts of the country ; malnutrition and under-nutrition reduce the vitality and power of resistance, and the existing health services are altogether inadequate to meet the needs of the people, while lack of general education

and health education add materially to the difficulty of overcoming the indifference with which the people tolerate the insanitary conditions around them and the large amount of sickness that prevails.

The inadequacy of medical and preventive health organisations may be judged from the figures of health personnel, the number of medical institutions, the quality of service rendered by them, and the bed strength available for the hospitalisation of patients. There are now, in India, only 47,400 doctors; furnishing an average of one doctor to 6,600 persons, as against the average of one doctor for every 1000 persons in the United Kingdom. In aiming at the average of one doctor to even 2,000 persons of the population, we would need 185,000 doctors. Similarly, there are only 7,000 qualified nurses in the whole of India, *i.e.* one nurse to every 43,000 of the population, as against one nurse to every 300 individuals in United Kingdom. In aiming at the mark of one nurse for 500 individuals, India would need 740,000 nurses. In respect of health visitors the situation is even worse, there being only 750 qualified health visitors in the entire country, giving an average of one visitor to 400,000 persons as against one visitor to 4,770 persons in the United Kingdom. In achieving the aim of one visitor for 5000 persons, we would need 74,000 health visitors. The midwives in the whole of India total only 5,000, giving the average of one midwife to every 60,000 persons. In aiming at the mark of one midwife for every 4,000 persons, *i.e.*, one

per 100 births, not less than 92,500 midwives would be needed. There is an alarming dearth of qualified pharmacists, the total in the entire country being not more than about 75, *i.e.* one to every 4,000,000 of the population. There should be one pharmacist to every three doctors, and for this aim we would need 62,000 qualified pharmacists. Similarly, there are only 1000 qualified dentists in the whole country, giving the average of one dentist to 300,000 of the population. In achieving the aim of one dentist to every 4,000 persons, we would need 92,500 dentists. The number of hospital beds available in India is only about 73,000, giving the average of one bed to 4,000 of the population. In U. S. A. there is provision of 1 bed to every 100 persons, while in the United Kingdom one bed is assured to every 130 persons.

In regard to the medical institutions available in the country, similarly, the adequacy is as glaringly manifest. These institutions are mostly concentrated in urban areas, and even there the average population tended by one institution is not less than about 18,000. In rural areas, this average would be somewhere near 55,000. Apart from the insufficient number of hospitals and dispensaries available for providing medical relief to the people, the quality of service rendered by them is poor. In most dispensaries and out-patient departments of hospitals, the time devoted to patients is so short that no proper medical advice can obviously be assured. There are

instances of such dispensaries where one single doctor examines nearly 75 cases per hour, averaging 48 seconds per patient. The quality of service is further handicapped by the doctors remaining out of touch with the advance in modern medical practice due to lack of opportunity of working in well-conducted hospitals.

The same inadequacy faces us in the other spheres of preventive health organisation. The total number of sanitary or health inspectors is only about 3,000, whereas the number required has been estimated at 12,000. The number of women doctors with special training in maternity and child welfare work is about 70, and of these only a few are women graduates in medicine with adequate special training in maternity and child welfare work.

The purpose that general education has in view is to develop the individual into a useful citizen; the purpose of health education is to inculcate the principles of healthful living in order to secure the full co-operation of the individual in the maintenance of his own health. Without general education the task of imparting education in health matters becomes difficult. Education in its wider sense is essential in order to promote a general raising of the standard of culture in the community and to quicken the sense of civic responsibility of the individual. There is little development of the sense of responsibility of the individual towards his neighbour, on which is based the community and environmental

hygiene.

The extent of general education in India itself presents a very unsatisfactory picture. It would hardly be an exaggeration to assert that India still remains the most illiterate nation in the world. The percentage of literate persons in India at the 1941 census was only 12.5, giving a percentage of 14.7 in the population of over five years of age. The respective figures for 1921 and 1931 census were 7% and 8%, indicating only an annual increase of .1 per cent in literacy in the whole decade 1921-31, *i.e.* only one person out of 1000 was made literate annually. Apart from this low figure, the quality of general education now imparted in primary schools is of a very low standard, and a large proportion of the persons, whose educational career terminates at the primary school stage, lapses into illiteracy. The state expenditure on education of all kinds in India is only about As. 8. per head per annum, which remains about 1/64th of the expenditure incurred in the United Kingdom for the same purpose. India needs two million teachers for the achievement of a decent standard of literacy. In the present conditions of education in India, it has been said that if education is transmission of life from the living, through the living, to the living, the system of teaching in India is the carrying of death from the dead, through the dead, to the dead.

There are other statistics relating to Indian conditions which draw an equally painful picture. Thus, for instance, it has been estimated that there are

fourteen hundred thousand beggars in the urban areas of the country, living on the misplaced and unavailing charity of the people, which costs ten to twenty-five crores of rupees annually. There are one and a half million blind persons in the country. For every blind man there are approximately three persons partially blind. There are, thus, about six million persons in the country who are either totally or partially blind. The per capita income in India works out to be only about Rs. 65 per annum, giving an average of about Rs. 166 in urban areas and Rs. 51 in rural areas, the latter furnishing the per capita income of just above annas two per day. As against these figures, the per capita income in U.S.A. is Rs. 1320, and in the United Kingdom, Rs. 960. The incidence of road mileage in India, similarly, presents a strong contrast to the more advanced countries. In India there are only 37 miles of roads to every 100 square miles, whereas in U.S.A. and the United Kingdom these figures are 100 miles and 200 miles respectively.

The provision of a safe water supply should obviously receive the highest priority from the administrations responsible for the welfare of the people. This has been recognised by every civilised nation. The provision of a safe and adequate water-supply is a basic requirement, the importance of which cannot be over-emphasized, and this applies with special reference to a tropical country like India which is subject to great epidemic

waves of water-borne diseases. The present percentage of population, urban as well as rural, served by protected water supply is only 6.6 in Madras, 7.3 in Bengal, 4.1 in United Provinces, and 9.0 in the N.W.F.P. In Orissa there are only two towns in which protected water supply has been provided, while in Sind there are only five. Majority of urban areas do not enjoy the benefit of safe water supply. Out of the 163 towns with a population of over 30,000, no fewer than 50 are without a proper water supply system, and out of 1131 towns with a population below 30,000, only 149 have protected supply. The total population enjoying the benefit of protected water supply in India does not exceed thirteen million out of the three hundred and ninety million. Even out of the bigger towns, of populations above 50,000, approximately one in every five is without a protected supply. In the towns having the protected system the supply is usually intermittent, while the quantity of water delivered per head per day varies from 2 to 25 gallons, against the average over-all quantity of 25 gallons which is considered essential for domestic needs. Many of these urban supplies were designed some years ago and are now out of date. Some remained in the planning stage for decades and by the time they were executed they were found insufficient for the population for which they were designed.

The development of sewerage system in India, without which the health of no urban area can be

adequately safeguarded, has been extremely slow, slower even than the provision of protected water supply. The collection and disposal of night-soil even in the bigger towns is still on a primitive system. There are only a very few towns with sewered systems. In Madras province there are only three such towns, in the United Provinces five, in Bengal eight, in the Central Provinces one, and in Bihar two. The total population living in areas normally served by sewers does not exceed seven million. There are many cities of even more than 100,000 population without this elementary amenity, and even where the underground system exists, it often serves only limited sections of the cities.

The overcrowding figures in the congested areas of our cities are appalling. In the more advanced countries of the West, density of houses even in the populations of inferior status does not ordinarily exceed 12 per acre, with population density of 40 per acre. In some of the Indian cities the population density reaches the peak of above 700 persons per acre. As against the provision of open space of an average of four acres per 1000 persons in the Western countries, Indian cities do not ordinarily have more than 1.3 acre per 1000 persons in the form of open space. On the average every individual must essentially be guaranteed 3000 cubic feet of fresh air for healthful living, with at least 100 square feet of room space, which comprises the area of an average prison-cell. The available space in Indian cities falls very much

short of this minimum necessity. The average floor space in Bombay computes to 27.58 sq. ft., in Ahmedabad 43.04 sq. ft., and in Sholapore 24.03 sq. ft. There are numerous overcrowded slums and tenements, with ordinarily five or ten persons, and even up to about twenty persons, young and old, huddled in one small, smoky, smelly room. In these slums they live, and eat, and sleep. These are the hovels of their wretched lives of physical misery and moral degeneration, places of dirt and turmoil, filth and squalor ; where they live deprived of fresh air, in darkness in the broad day-light. It is not much wonder that human vices prevail there. The cause for amazement, on the other hand, is that their human virtues too are still abounding.

CHAPTER III

THE IMPEACHMENT

We hold the money of the people in our hands to be used for their purposes and to further their interests, as members of the municipality, and it is quite apparent that when any part of the funds which the taxpayers have entrusted to us are directed to other purposes, or when, by design or neglect, we allow a greater sum to be applied to any municipal purposes than is necessary, we have, to that extent, violated our duty.

From a veto Message of Grover Cleveland
—MAYOR OF BUFFALO (1882)

For a purposive effort at overhaul of the existing conditions of municipal authorities and for ensuring the provision of a reasonable standard of conveniences and amenities, the failures of the present system have essentially to be envisioned in their entirety. These skeletons would need to be taken out of the Town Hall cupboards, for their being trotted out to the public gaze and condemnation.

The tale is the same all over, with only varying degrees of the extent of the mischief. There are undoubtedly instances of organised collective effort, progressive measures of social reform, and devotion to the public cause. But these are spasmodic spurts of activity, few and far between; not the rule. In general, the whole sphere of municipal activity suffers either due to incompetence or indifference, languishing in the neglect of the somnolent electorate and handicapped by the absence of stimulating encouragement by the government. In its capacity as the

governing body the powers of the municipal authority rust unused till their bluntness renders them ineffective, and in its capacity as an institution of public service its functions remain inoperative and unperformed. Its resources remain untapped and its authority remains mostly in vacuo or is wielded only in the interest of the individual councillors or the employees. For an appraisal of the failures as well as their causes one may consider the individual spheres of the municipal activity.

The municipalities must have the wherewithal, the financial capacity, to enable the performance of public duties and the provision of public services. This necessity has not been the anxiety of their councillors. They have preferred to tinker with small resources, aiming at contemporary popularity or avoiding the risk of incurring unpopularity, and hardly ever evincing the boldness of comprehensive taxation. Their outlook is circumscribed by the desire to continue somehow in the meagre finances tapped by their predecessors. Wherever they have entered upon the enterprise of taxing property, they interfere in its assessment and evaluation, arbitrarily causing decrease in the valuations without any justification and even in the absence of any representations from the assesseees. They secure reductions in valuations of their own property on grounds which are untenable. The loss to the authority is not their concern. The negligence, dishonesty, and perfunctoriness of the staff matches their own in these matters.

Files remain untraceable, and are often secreted out by the staff or the councillors. The collections of taxes lapse, and dilatoriness is resorted to in order to avoid unpopularity with the public on the one hand and punishment of the delinquent staff on the other. The councillors themselves remain in arrears with impunity. There is gross leniency and discrimination in the application of coercive processes against defaulters, and there are numerous illegal remissions.

The municipal property remains inadequately safeguarded, with encroachments increasingly multiplying on it. There are ordinarily very few streets in any town which are not encroached upon. Each encroachment becomes parent of a succession of others, for when the first one is overlooked or suffered to continue, the others sprout out in alignment with it. Action in regard to the removal of encroachments hangs fire and is put in a series of postponements. Permanent encroachments continue to exist, and eventually obtain the tacit approval of the council, without having to pay any rent. The explanation invariably furnished is that the encroachments are old and are a legacy from the previous councils which they find it difficult to liquidate. The leases of municipal property are sold at auctions which remain improperly publicized, entailing loss not only in the income but in the capital value of the property as well. Motives of personal interests secure full play in such leases.

The bye-laws and regulations relating to construc-

tion of buildings and projections, besides the numerous other regulations, remain unapplied or are applied most half-heartedly. There are very often gross delays in disposing of the building applications and their appeals. The sanctions of councils are anticipated by the public with impunity, and where municipal property is eventually encroached upon the council unhesitatingly exhibits an indecent haste in agreeing to alienate it to the encroacher.

In public works carried out by the municipal authorities, it is chiefly the interests of the individual councillors which remain the primary concern. Choice of projects is a matter for discretion of the council, and the councillors invariably influence the decisions for their individual benefit. The contractors have favourites of the councillors among them. The rules and regulations in the undertaking of public works are cast aside where they clash with the interest of the councillors. The streets, pavements, lighting, and scavenging of the areas in the proximity of residences of councillors are given precedence over other works, howsoever urgent.

In the maintenance of water-works many municipal authorities bungle and ultimately go under. The provision of water supply is a technical subject and an almost commercial enterprise, in which unprofessional management is not conducive to smooth functioning. As a service, moreover, it offers many opportunities for personal benefit which the councillors may not all be able to resist. As an undertaking

it involves such large expenditure that there are opportunities for malversation of public funds. There are failures to meter the waste. There are failures to remove technical defects. There are diversions of domestic supply to non-domestic uses such as of factories and other commercial establishments. There are illegal concessions on false grounds of public service, and there are thefts of water.

In the public health organisation of the municipal authorities, the absence and inadequacy of drainage and the passage of sewerage in open nallahs, which are generally silted up and are often without any masonry lining, are complacently suffered. Dirty drains move about like rivulets, with innumerable filthy streams joining them. The conservancy arrangements are more often indescribably bad. The noxious and offensive trades continue unabated and often unchecked. Pottery kilns, lime kilns, and brick kilns exist in close proximity to residential areas. The storage of hay, straw and fuel-wood is allowed indiscriminately. Licensed and unlicensed dangerous trades flourish. There is failure in the proper enforcement of food bye-laws and meat bye-laws, and unchecked exposure of the edibles to flies and dust. Offences against the municipal regulations are reprehensibly condoned. There is gross indulgence in civil litigation. Even for recovery of petty amounts, the resort to courts is encouraged as an alternative to the avoidance of unpopularity by issue of coercive processes, even though the protracted process of litigation may even-

tuate in practical loss of the arrears. Decrees remain unexecuted and notices once issued are not followed up by prosecutions. Evasions of octroi and hesitation in taking strong action against the defaulters are extant. The schedules of octroi rates are carelessly prepared, and their revision is delayed or avoided.

In the field of extension of facilities for education, the increasing demands of the populace are disregarded. The compulsion in primary education languishes. The school buildings are rented at exorbitant rents. They are generally incommodious, unhealthy and unsuitable. The equipment in schools is inadequate. The over-aged teachers are given generous extensions. Untrained teachers are very often appointed.

The lighting department of the municipal authorities often proves a drain on their finances. The lighting points are fixed for the convenience and at the wishes of the councillors. Where kerosine oil is used for lighting purposes it is very often misappropriated. Where the towns enjoy the facility of electric current, the lighting hours for the street lights are not always regulated and the lighting chart for the town is not planned. Distribution of lighting points is not dictated by public need, and they are concentrated in certain favoured streets to the detriment of necessity in others.

In the field of general administration, it is generally observed that most of the members of the staff are connected with or related to the councillors. The regulations governing selection and appointments are

disregarded. The selections and appointments lead to serious antagonisms between the executive appointing authority, the chairman, and the council. The council does not hesitate to undermine the authority of its executive in the presence of the subordinates. Regular feuds ensue, and communalism raises its ugly head. The executive is disabled or seriously handicapped in its work by undue interference and bitter annoyance. In the appointments to superior posts the votes are often on sale. In the appointments to subordinate posts considerations of efficiency are almost invariably cast aside, and they come about without any selection and merely to please individual councillors. These appointments furnish the patronage which is used as a lever to satisfy the supporters while at the same time enforcing utter subservience of the subordinate establishment. Members of the subordinate staff hanker after the support of the councillors, and where their relationship has representation on the council they have the satisfaction that they would not be harmed, howsoever serious their default or offence may be. Discipline in the administration is, thus, well-nigh non-existent.

No list of apprentices is ordinarily maintained for facilitating selection, and no graded list of the posts is encouraged, so that the appointing authority remains free to appoint anybody he pleases. He exercises entire discretion in effecting transfers from one post to another, thereby granting any post any increase in pay. The absence of these lists give

dictatorial powers to the appointing authority, rendering the staff always nervous of their position and in terror of his powers. In awarding punishments the considerations of party alignments remain predominant, and party strategy secures full play. Pressure is brought to bear on the opponents through injury to the interests of their relatives on the staff. Dismissals and suspensions are disquietingly frequent, and equally frequent are reinstatements. There is on the average only a small minority of the staff who escape suspension throughout the term of service. There are numerous cases of extension of service to superannuated employees. There is incessant interference by the councillors in the day to day administration. Vindictiveness has full play in the municipal offices, and the external litigations, disputes and grudges are scored out there.

In the field of general finances, as already indicated, the municipal authorities almost invariably exhibit reluctance to resort to fresh or direct taxation, or to modernize the basis of taxation, for fear of gaining unpopularity and risking failures at re-election. The inadequacy of finances imposes a severe handicap in the extension of amenities. Very often the finances of the councils verge on bankruptcy, through wasteful extravagance, uncollected arrears and hesitation to extend the scope of taxation. The budgets are prepared without due care and foresight. There are inordinate delays in their preparation and sanction.

There have been cases where the budgets have passed the stage of final sanction long after the year for which they were prepared. The expenditure in the meanwhile continues to be incurred, though it essentially remains hesitant and tardy, affecting even the statutory obligations. In the consideration of budgets numerous obstructive tactics are employed in order to paralyse the administration. Audit objections remain outstanding for years. The objections on the score of superfluity of the staff go unheeded. There is general inadequacy of remuneration to the subordinate staff who proceed to pay themselves by securing illegal gratifications.

Words of despair are frequently uttered by representatives of the councils and by officials. A few of them would bear citation here. One prominent representative of a big council says: "The quality of members has deteriorated. The cause has been that the illiterate voter has realised the value of amenities of life without its corresponding responsibilities. He brings pressure on the members to do all sorts of things, reasonable or unreasonable, fair or even foul. Those who cannot agree to champion such demands have eliminated themselves from elections. The result is that there is general deterioration in administration. There was a time when I thought that government interference should be resisted by the council as far as possible. But now to carry on the administration I find that the only safety is in government interference. It

is a sad tale but this is the present position of municipal administration and therefore I think that so long as the situation does not change there should be an official majority." Another public representative says: "The electors have shown a suicidal indifference to the civic affairs of their own by electing and re-electing the majority of those very members whose shortcomings have been found to a great extent to be responsible for the failure of administration." Still another, in recommending supersession of a municipal council, says: "There is no alternative. Its sanitary conditions are terrible, its roads miserable, its finances in a mess, and the records of the council disclose a disgusting state of corruption. It is entirely out of question for the present council to pull through; nor has the public any conception of the value of the vote. It has returned the same type of men each time. There is no doubt that the state of corruption and inefficiency are common knowledge, but the voter does not seem to care to improve things, or he has no conception of how he can do it." Here is an official commenting on this state of affairs: "I refer particularly to the almost complete absence of public spirit, with very few exceptions, the virulent personal rivalries and jealousies ever ready to leap into flame when any office or post has to be filled, the corrupt practices connived at and even indulged in by members and total lack of any initiative not prompted by personal advantage. I cannot doubt that a great mistake was

made in handing over so many councils to non-official chairmen and I consider that all but the larger councils should have official chairmen ; and till they do so no marked improvement can be looked for in municipal administration though, of course, this would be regarded as a politically retrograde step in local self-government." Here is another official complaining of excessive factiousness in municipalities : "Municipal councils, with a few exceptions, are a byword for intrigue. Even when members vote straight, their opponents attribute motives, and this mud-slinging is interminable."

These deficiencies and mismanagement inside the municipal councils are reflected in the physical being of the towns entrusted to their care. They present the unrelieved characteristics of tortuous, narrow, haphazardly laid-out, winding streets. There is no zoning, no setting apart of separate zones for administrative quarters, residential quarters, industrial and business quarters, and recreational buildings and grounds. The towns present a confusing hotch-potch, with a cinema pitched up against the hospital, smithy against the dispensary, a school with a graveyard as its recreation ground, a market in close proximity to a mosque. There are hardly any open spaces, and wherever they exist they are sparse and ineptly placed. The legacy of the past stands uncorrected and is continuously heaped up by grosser mistakes of the present. The unregulated, haphazard development on the fringes of the existing towns

continues ; the evil of ribbon development progresses unchecked.

The streets do not obtain any differentiation on the score of commercial areas, industrial areas, residential areas, or in their capacity as highways or thoroughfares. They languish in their vaunted primitive orientalism, defying all town-planning schemes. Their abrupt variations in width, inconvenient curves, blind corners and termini, baffle the present-day fast traffic. Accidents in them are ever on the increase. Their narrowness is further restricted by the generous splashing of temporary and permanent encroachments of the nature of projections outside residential buildings and shops, the spread out cots, benches, chairs, sun-shades, bicycle-stands and wares for sale. The stray bulls and the pariah dogs continue to frequent them as of yore. The hawkers, squatters, peddlers and hand-carts remain all there, to add to the confusion. The multiplicity of balconies and frontages of the buildings add to the disharmony, jarring to the æsthetics. The drains pass through the middle of the streets, open in their rank fulsomeness. Rubbish and filth heaps litter the streets, unapproached by the wind or the sun. Pools of water stagnate and stink in their pot-holes. Dust rises in them with all the abundance under the tropical sun, and smoke has an undisturbed sway over the atmosphere. The noise is never rendered innocuous in them. They serve as the dumping ground for the rubbish thrown

out from the houses and the shops. The sign-boards, placards, advertisements, unregulated in their numbers, siting, or size, create a most unharmonious jumble. The public decorum in the presentation of advertisements, particularly relating to physical disabilities and venereal diseases, is utterly disregarded. Cattle obtain undisturbed tethering in the residential streets. The network of overhead electric wires and the unintelligent siting of electric poles add to the disharmony. The locations of tonga-stands, ekka-stands and taxi-stands add to the inconvenience and congestion. Footpaths for pedestrians are impracticable in narrow streets, and they are ordinarily non-existent even where they are feasible. The streets are hardly ever given appropriate names.

In the other important functions of the municipal authorities, the deficiency and neglect are equally conspicuous. Road surfaces are persistently neglected in their maintenance, resulting in complete renovation after they pass the stage of repairs. The tarred width of roads remains inadequate for free movement of the traffic. The road-side berms remain unattended. There is no adequate system of road-washing or road-watering. The conservancy arrangements are antiquated. The public utility undertakings, excepting in very few cases, are conspicuous by their absence. The municipal authorities have not hitherto been aroused to their responsibility or the utility of undertaking the transport buses or trams, or of the

supply of gas, of electricity, or even, in many cases, of water. They have altogether ignored the desirability of managing libraries and reading-rooms, or of establishing museums and zoos. They have not recognised their responsibility towards the destitute, or for housing the poor and the industrial labour. The pollution and inadequacy of milk supply within their areas has not moved them. The organisation, construction and maintenance of well-conducted markets and slaughter-houses have been generally ignored by them. Maintenance of fire-brigade equipment has not been recognised by them as a necessity and is generally looked upon as an expensive luxury. The enforcement of weights and measures is not considered as lying within their domain.

These facts of mortality and morbidity, of complacent indifference and venality, are disconcerting and terrible. They reflect credit on no one and discredit on many, past as well as present. But these are facts which must be faced, and no good citizen should remain unaware of them or apathetic to the need of improvement.

This then is what the past offers us for the future; an array of opportunities missed and half-hearted measures adopted. There are opportunities now, of vast political, economic and social changes; these we must utilise for creation of new beauties and new possibilities of happiness. The lesson of this past is the necessity of looking forward; not necessity alone, but profit as well!

CHAPTER IV

THE NEW HORIZONS

The city is built
To music, therefore never built at all,
And therefore built for ever

—TENNYSON.

Local government and administration is the concern of every one. It is older than national government, which is largely, except in international relations, but the outcome of centralization of local government. It plays a fundamentally important part in the social, cultural and economic life of the nation. The effective functioning of the city council means the difference between savagery and civilization.

We live in an age which, in all the fundamentals, is different from and far ahead of all that has gone before. The systems and processes which were good enough for the days of the pick-axe, the crude plough, the bowie knife, and winnow, will ill suffice the demands of this age of the bull-dozer, crane, tractor, mowing machine and the grain drill. We need to shake off the ennui and torpor of the age that is past. Grafting of the present-day institutions on an archaic structure has never been a fruitful undertaking and it would now essentially need to be recognized that twentieth century civic needs and seventeenth century town planning go ill together. The present emphasis on the planning of a city is not in

the retention only of its physical basis. It must have the basis of the cultural values as well. For without it, the planning will result only in some magnificent urban mummy surrounded by a sumptuous tomb.

Our aim and our objective must take measure of the vastness of the scope of the four fundamental freedoms, the freedom of speech, freedom of thought, freedom from want, and freedom from fear, and also of the five world giants,—Poverty, Squalor, Disease, Ignorance and Idleness. The fight for these freedoms and the battle against these five giants are the world's vision and objective for tomorrow, and our aim must be in harmony with this vista. People all over are being promised a new Heaven and a new Earth. There must be, for us likewise, a complete divorce from the tardy past. We must traverse new, hitherto uncharted, ground. We do not lack initiative or resilience ; we must find remedies as fast as time breeds mischief. There must be comprehensiveness in our vision and boldness in our planning.

We must look out of our shells. There is urgent need for comparing our systems with those of the other countries. Such comparison and comprehension will serve as a corrective of our infirmities. Failing this there would always be the tendency to see only within the horizon of our past experience and precedent. Yet our effort must not take the lines merely Utopian or academic, disregardful of their practica-

bility. There are undoubtedly the prevalent conditions of illiteracy and certain degree of conservatism in India, and these will need the exercise of moderation and restraint in our undertakings and commitments; but these must not weigh down our step with care and caution, making it hesitant or halting. It behoves on us to change the traditional passivity and supineness of the Indian mind into an instrument for adventurous struggle.

The citizen must be given his attribute of citizenship. He must learn to respect the injunction, "Thou shalt love thy neighbour as thyself." Private interest must not work detrimentally to the public interest, and there must be a union welded between the two. Each individual would need to be definitely told that he as an owner of property has no more right to use it to the disadvantage of another than he has to drive his motor car to the danger of the public. The art of local government must provide the training ground for this citizenship of tomorrow. It must prevail as the domestic work of a civilized community. The interest of private undertaking, the individual interest, must increasingly be made one with the interest of the community. This domestic job of the community must be restored to the unpaid volunteer, securing the guidance from but shorn of the sole dependence on the trained salaried professional. The citizen must come back into his own, shaking off the apathy and indifference.

There is a noticeable change in emphasis in assess-

ment of the functionalism of local institutions. Previously efficiency was sacrificed at the altar of ensuring progressive development of the institutions. Local government was, thus, fostered and tended regardless of efficiency ; an unavailing exemplification of the maxim that self-government was better than good government. There is the urge now to seek precision and efficiency first and foremost, and to reorganise the system to bring it in accord with this objective. The pragmatic approach to problems has driven *laissez faire* from the field of human thought, and scientific effort is winning all over the line. We are groping our way towards a planned economy not only in the fields of agriculture and industry but also in the fields of human relationship generally. The old shibboleths are in the process of being discarded, and in their place are being substituted new ideals based on principles of not so much the greatest happiness of the greatest number as the greatest material well-being of the greatest number.

Planning is an act, aimed at a definite purpose in view. There is now a spate of integrated plans and blue-prints for this post-war world. There is need for laborious construction all along the line ; it is not a matter of mere reconstruction. The vision of this constructive effort must not be limited by expense, for there is nothing more expensive or ruinous to a nation than want and disease, and their accompanying frustration. Planners, whether they

are technicians or administrators, must understand and believe in people. The average man must remain constantly in the mind of the planners. They must recognise that they are not dealing with philosophical abstractions, or mere statistics, or engineering data, or legal principles, and that planning is not an end in itself. In the last analysis, in democratic planning, it is the human being we are concerned with. Unless the plans show an understanding and recognition of the aspirations of men, they will remain foredoomed to failure. Those who lack the understanding of men and cannot gauge or share their emotions, can hardly forward the objectives of realistic planning. Such planning, divorced of realism and without responsibility for action, will remain only in brochures, decorating bookshelves, adornments of the bibliography of a sterile learning. They will constitute only an unavailing effort of intellectualism.

Planning does not, at the same time, involve surrender of the individual freedom. Such assertion is grossly erroneous. There is not the impossibility of obtaining the efficiency of a co-ordinated plan without totalitarian regimentation. It is the problem of finding actually the most fruitful method of combining planning, the right kind and degree of planning, with individual freedom. It is not essential that planned economy can work only within the framework of a political dictatorship. Planning, for us, must take shape democratically.

It is not the negation of individualism that plan-

ning demands, nor is it an inflexible standardisation of life, nor the imposition of unexciting mediocrity. What it aims at is the maximum amount of personal liberty and individual expression within an ordered frame-work. Planning is only the process of taking thought for tomorrow in an orderly way and on a large scale. It bases itself on the principles that policy must precede planning, that planning must precede execution, and that work would require to be conceived and executed through the full utilisation of trained technical skill.

It is a cardinal principle of democratic government today to secure a degree of centralisation, which all planning demands, without complete abandonment of the principle of democratic control. Sense of responsibility would be fostered only by the exercise of responsibility, in an atmosphere of adequate freedom for such exercise. But side by side with that freedom, must go that centralisation of expert knowledge and direction which are essential for a profitable and harmonious functioning of the organism.

What is to be aimed at is accelerated, planned evolution, rather than revolution. In the absence of planning there is waste of human material and effort. We must not allow ourselves to just grow, in an undirected and unregulated growth. That way lies failure of effort, arising from the remorseless arithmetic of nature. The planned evolution must be like that of a corporation clothed with the power of government, yet possessed of the flexibility of the

initiative of a private enterprise.

The only serious obstacles in the materialisation of planning and its execution are in the minds of men. Thinking put them there; a new kind of thinking alone can remove them. There are some who dream great dreams but never feel the urgency to do something about their materialisation. This is a character of the intellectual gone to seed, the perfectionist, the defeatist, and the cynic about human possibilities. They are preoccupied in conjuring up all possible difficulties, and in multiplying them. But the dreamers with shovels in their hands know that to take a start is important. The dreamers with shovels want only a job that is magnificent enough, room enough to stand in, and chance to make a start. It is these dreamers with shovels that we need.

This job of reorganization must be done; this task of changing the environment in our urban centres, for achieving the desideratum of the maximum happiness and material well-being for the maximum number. It will be done most capably by democrats, by those who believe that people come first, by those who have faith in the capacities of many men and not only of a few. It cannot be done by defeatists.

It certainly can be done. In aiming for it, there is urgent need for planning; and for planning boldly. Our reach must exceed our grasp, or what is Heaven for !

CHAPTER V

THE RE-ORIENTATION

Method is good in all things. Order governs the world.
The Devil is the author of confusion.

—JONATHAN SWIFT.

The reorganised planning of our towns must take in its sweep the whole edifice of the local self-government machinery. In designing the ultimate effect, we must primarily tackle the motive power which controls and determines the administration of local authorities. There is need for recognition of the re-orientation in the fundamentals and the postulates which has come about in the recent years. For this, we begin at the top.

In assessing the present-day trends as well as the previous deficiencies, this formative head of the local self-government machinery may well be considered first in retrospect, in its development particularly over the last century. In its historical retrospect it impresses one only by its hesitant and tardy growth, its superimposition of a system of foreign origin on a people not attuned to its reception, and by its slow development in a series of concessions wrung from a centralised government. There has not been, in this development, that urgency welling up from the people which ensures permanence and strength of a system in the body politic.

The principles and policy of local government in India owe their origin and inspiration from the English system. England has been the cradle of local government of its particular variety. There it has taken root and is based on the will of the people. The voluntary amateurism of this system and the characteristically democratic mental outlook of the English people are in perfect accord; mutually the cause and effect of each other. In the recognition of the necessity of utilising the local knowledge and local talent for looking after the local interests, the imperial centralised government in India, particularly in the latter half of the last century, started on a commitment of gradual concessions for fostering local government. The pattern taken as the model was the English system, the success of which in England was then so familiarly manifest. It was believed that the country would itself adjust its environments to assimilate the system even though it was alien to it. In all its essentials, thus, the English system was transplanted in India.

The process started with devolution, to afford opportunities for the development of self-government for strengthening municipal institutions and for the association of Indians in the administration of their affairs. It was professed that the decision was taken not merely as a means of devolution of authority in administration and in decentralisation of financial resources, but as a means of popular and political education, by which alone progressive communities

could cope with the increasing problems of government. Its predominant basis, however, remained the need of associating Indians in the task of government. The concessions were a measure of decentralisation. It was considered that the local institutions had in the past failed because they were over-ridden and particularly crushed by direct, though well meant, official interference. It was thought that the needs of devolution and of political education would be met by spreading the net-work of local authorities, by extending the process of elections and gradual elimination of nominated elements in them, by substituting non-official for official chairmen, and by decentralising certain prescribed duties of local administration as well as certain definite funds for discharging them. The very nature of devolution, in assuaging the increasing demand of the people for assuming the reins of administration, necessitated that control of the government over the local authorities set up by such devolution should be limited to that from without rather than from within. It was inevitable that in the process of such devolution fears should have been expressed that such transference of power to inexperienced administrators and illiterate electorate would result in serious loss in efficiency, but it was contended that in the interest of the ultimate goal of political education and a sense of responsibility such risk was worth taking.

In successive resolutions of the central govern-

ment it was affirmed that government should interfere as little as possible in the affairs of local authorities and that spheres of action appropriate for the government and the local authorities should be definitely demarcated. It was declared that government control was, compatible with safety, to be gradually removed and the sphere of work and finances of local authorities was to be statutorily prescribed. The objective laid down was the training of people in the management of their own local affairs, the political and popular education of this sort being in the main given precedence over considerations of departmental efficiency. In this process of engendering in the populace a sense of responsibility for their own local problems, the administration was not anticipated to improve in the first instance but the objective itself was considered to be the *raison d'être* for its acceptance. The local authorities were desired to be left to themselves as much as was practicable, to enable them to learn by making mistakes and profiting by them. The government officers were to set themselves to foster sedulously the small beginnings of independent political life and to realise that the system really opened to them a fairer field for exercise of the administrative and directive energy than the more autocratic system that it superseded.

The factor of utmost importance which would be recognised in this process of gradual decentralisation and devolution of authority is that the government

which felt impelled to make concessions to local authorities, necessitating the removal of control from the sphere of functions of the latter even at the risk of loss of efficiency, was foreign government. It was not established by the people, and it recognised this. Its insistence on the maintenance and furtherance of efficiency in the decentralised sphere of local administration, by interference in the administration of local authorities, would only have been unwelcome. While this government gradually removed its control from the inside of local authorities, there remained the necessity of avoiding an utter collapse of the local administration at the hands of the newly elected elements. This gave rise to the increasingly multiplying outside control, evidenced in a system of checks and balances, and stultifying itself into absentee and negative control. The government action in relation to the administration of local authorities reduced itself mainly to police action, depriving them of the benefit of encouraging advice and positive direction. The local authorities came, thus, to be reared in an atmosphere of suspicion and misdirected control of a government which they took to be unresponsive to public opinion. Whatever control was exercised by the government over them, which by its very nature could not be other than negative, was irksome to them. They languished for want of positive and constructive control. This, to a discriminating view, would appear to be the most unfortunate aspect of the development of

local government administration in India.

The question of government control over the local authorities is of the foremost importance in any design of the fostering care of these institutions, which are in essence the eyes, ears and limbs of the State. The social services administered by the local authorities are as much the concern of the general public as those administered by the government of the country. They are the responsibility of the entire nation and not merely that of institutions to which they are entrusted. Where the government is based on the will of the people, its stimulating guidance and interest will not be irksome to the local authorities as long as its control does not imply surrender of the freedom of these authorities. In such sympathetic positive control, there would be no occasion to deplore the growth of centralisation. These plants of local authorities, instead of facing the risk of withering away in the shadow of the tree of centralisation, would be ensured the life-giving sunshine of the responsible democratic government. The subordination of the city to such a government of the people would not spell any tyranny. The municipal democracy does not always evolve from below, but must receive inspiration from above. The free cities of Middle Ages in Europe, left to work out their own destiny, degenerated into municipal oligarchies; the chartered English boroughs, nestling under the ægis of the Royal Charter and immune from parliamentary control, became the patrimony of close corporation ;

and the cities of colonial America, endowed with a measure of home rule which no municipality in U.S.A. enjoys today, gave the rank and file of the people a very scant share in the conduct of municipal government. Municipal democracy has developed along with government control and is not antipathetic to it.

It is for the government to restrict its powers over the local authorities only to remedial control, and where they are functioning with a due sense of responsibility, to act mainly as their guide and philosopher. It is wrong to assume that in democratically advanced countries the government divests itself of all control over its constituted local authorities. On the other hand, the measure of the control exercised by government in these countries is substantially more varied than in India. While the local authorities carry out their policies in all the spheres of their administration, for expert guidance and sympathetic direction they look up to the government. In details of management the local authorities will generally have the advantage, though in envisioning the principles even of purely local management, the superiority of government, when rightly constituted, ought to be prodigious. The authority which is most conversant with principles should be supreme over principles, while that which is more competent in details should have the details left to it. The principal business of central authority must remain of giving instructions and of the local authority to apply them. There must be somewhere a focus where all the scattered rays of

knowledge are collected, so that broken and coloured lights, which exist elsewhere, may find what is necessary to complete and purify them in every branch of local administration which affects the general interest. There must be a central organ for dissemination of this knowledge and stimulating guidance. It ought to keep up a perpetual communication with the localities, informing itself by their experience and by its own, giving advice freely when asked, volunteering it when seen to be required, compelling authority when needed, and enforcing obedience to every general law which the legislature has laid down on the subject of local management.

India now looks forward to the establishment of governments responsive to public opinion and based on the will of the people. The suspicions engendered against government function will soon be a thing of the past. The policies enunciated by these new governments, the initiative taken by them in the field of social reform and political progress, will be based on the support of the people. The nation will rest secure in the belief that it will be the national interest uppermost which will dictate the policies and programmes of these governments. With such re-orientation in the outlook, the control of these governments over their subordinate local authorities, in themselves the resultants of the will of the people, will not be looked upon with the suspicion and antipathy which has characterised it hitherto. There will be the conviction that the directives emanating

from the government will be for the good of the people bestowed to the care of the local authorities. The agencies established by such government for supervision and control, even where they may detract from the autonomy of the local authorities in any sphere of their activities, will not be irksome. The government control, then, will be of the nature of that exercised in other countries by their own national governments, and being in the interest of the people in general it shall be acceptable to their constituted local authorities.

Even with the beginning that has been made in the democratisation of these governments, there has come in evidence a marked change in the objectives of social amelioration. There is a definite emphasis now on the attainment of a good government besides its being a responsible government. Where there was previously an affirmation that even at the cost of efficiency the goal of self-government in local administration should be fostered, it is now unmistakably in evidence in government declarations that while the development of local self-government on the path of progress should continue unchecked, efficiency must come first and foremost. Maladministration is no longer to be suffered to cause waste of public funds and human energy. At its first manifestation, to the detriment of public weal, it would be effectively put down. *Laissez-faire* is now irretrievably thrown overboard. It is no longer to be tolerated as a camouflage for incompetence or incapacity, or for

the lack of will to set things right. Short of totalitarian regimentation, compatible with individual freedom, and without abandonment of the principle of democratic control, there would be a demand for planned efficiency.

Against this background of the reorientation in the fundamentals of government action in the administration of the local authorities, with the coming about of poised balance between centralisation and decentralisation and disappearance of rivalry between popular control over local authorities and the despotic government control, and with the explicit affirmation that efficiency would not be sacrificed at the altar of meaningless catchwords, let us consider what changes can fruitfully be incorporated in the mode of government control over local authorities.

The government control at present manifests itself in almost every field of activity of the local authorities. In the constitutional and legislative spheres it is the government that determines the nature of the authority, its size, its elected and nominated element, its franchise ; and all regulations, rules and by-laws passed by the authority require sanction of the government. In the general administrative sphere the government possesses the powers of compulsion and veto. It can, in cases of default or abuse, order suspension of the execution of resolutions passed by the authorities, remove their members or chairmen, and even dissolve or super-

sede them.

It has the right of asking for information and of inspection, of withholding sanctions to certain specified appointments, of prescribing rules for numerous administrative functions. In the sphere of finance the government control and veto prevail in abundance. All taxation proposals of the local authority must secure the sanction of government. In the raising of loans and in obtaining grants-in-aid there is marked dependence of local authority on the government. The budgets of the local authorities go up to the government, or its officers, for sanction. The audit agency and its power of disallowance and surcharge are potent weapons in the hands of government.

This control is exercised by the government directly as well as through its agencies of special Inspectorate and the Divisional Commissioners and District Officers, supplemented by the supervision of respective departments by the Divisional Engineers, Directors and Assistant Directors of Public Health, and Inspectors of Schools. In itself the government embodies an abstraction, with its control over the local authorities limited to a Secretariat department. The Divisional Commissioners and District Officers are more concerned with the observance of rules, and have neither the time nor the specialised knowledge or outlook required for supervisory duties of this kind. They function more as agents of the government for police

action to check lapses, and not for any improvement in efficiency or encouragement of initiative. This supervision has been only a part-time duty of busy officials whose main work lies in other directions. There has not been any effective or adequate agency of the government to make this supervision real. These District Officers and Commissioners come in contact with all kinds of men and they form their own attitude of sympathy or bias against men who may actually be on local bodies. Their exercise of control has been a concrete manifestation of its negative variety.

This punitive control must be replaced by positive and constructive direction. The sledge-hammer variety of this control, consisting in the removal of councillors or the dissolutions and supersessions, which by its very nature is hesitant in its use, must give place to stimulating initiative emanating from the government. Where the local authorities persist in their default, even after the friendly advice and guidance of the government, their responsibility must be brought home to the constituent councillors more effectively than by the mere removals and dissolutions and supersessions, for in these it is ultimately the electorate that suffers. It would be more appropriate for the government in such cases of default to apply to the judicial tribunals for the writ of mandamus, the failure to obey which would render the councillors open to imprisonment. By the use of such expedient alone the councillors

would be persuaded to feel that their election to the council imposes an obligation on them and creates a public trust which they must befittingly discharge.

The abstract and absentee government department for the exercise of this control must be replaced by a concrete and palpable local government Board in each province. This Board should be the highest executive and appellate authority for all local government matters, the repository of expert knowledge and the vehicle for entire initiative. It must include in its survey and authority the command not only over the municipal authorities of the urban areas, but also over the rural local authorities of the nature of District Boards, Taluka Boards, Union Boards, Small Town Boards, and Village Panchayats. There would be separate departments of it in charge of these different activities of local government. It would constitute the secretariat for the whole field of local self-government administration. It would have on it, and at its disposal, acknowledged expert planners and administrators in the matters of Public Health, Public Instruction, Public Works, Public Safety and Public Convenience, as well as expert technicians in town-planning, drainage, water-supply, fire brigade, and street lighting. Under its ægis could be nurtured a local government institute, with well-equipped library for collecting statistics relating to the entire activity of local government in the country as well as in foreign lands, for study and research, for training and

dissemination of knowledge, for arousing civic consciousness and teaching the art of citizenship. This Board would be a permanent and static body, at the headquarters of the government. It could set up a peripetatic Improvement Board, of expert knowledge and administrative authority, moving round from one town or rural area to another, for enforcing suggestions for improvements. It would also have a trained Inspectorate, with inquisitorial duties and remedial powers, for studying local problems at the spot and detecting defaults. In this way, with such direct contacts maintained with the local authorities through its own specialised staff, the intermediacy and interference of the District Officers and Divisional Commissioners would be eliminated.

There is growing recognition of the necessity of modernising the local self-government structure on some lines such as these. There is agreement on these postulates, and the details only require to be filled in. The constitution and size of these Boards has been a matter of some disagreement. While some quarters advocate the constitution of a Board of as many as thirty members, including legislators, administrators, and representatives of local authorities, there are others who consider that the strength of the Board may be limited only to three whole-time officials, who would be amenable to democratic control as they would be appointed by democratic provincial government. In adjudging the proper strength of this Board there are certain obvious

necessities which cannot be disregarded. The Minister incharge of the portfolio in the provincial government should essentially be its presiding member. The provincial heads of the departments of Public Health, Public Instruction, Public Works, Medical, Panchayats and Town Planning should be members of this Board. There should be a provincial Commissioner for local self-government, for co-ordination of the work in the various spheres and for enforcing the decisions of the Board. This Commissioner may also be the Departmental Secretary of the provincial government for the local-self-government department. He should also be a member of the Board. With these officials there must be the association of public representatives on this Board, selected by the provincial legislature and by a representative body of the local authorities of the province. This necessity of co-option of the provincial heads of the nation-building branches of the provincial administration and association of non-officials may render a strength of about fifteen members of the Board indispensable. While a size of thirty members may be unwieldy for smooth and effective functioning of the Board and the size of three members may disable adequate representation of specialised knowledge and public opinion, the strength of about fifteen members would obviate all criticism on this score.

One of the most important branches of activity of this Board would be the recruitment of service

personnel of the local authorities, and for this it will set up a permanent Local Self-Government Services Commission, of preferably three members. The Commissioner of local government would appropriately be the chairman of the Commission, and the two other members would be made up of one official and one non-official selected by the Board. The utility of this Commission would be dependent on the acceptance of the principle of provincialisation of the superior services if the local authorities, e.g. the executive officers, the medical officers of health, engineers and secretaries. In the interests of efficiency of administration of the local authorities, this provincialisation would be indispensable. This measure would infuse a sense of security in the services, affording a certain fixity of tenure and removing the chances of their remaining at the mercy of the whims of the majority parties in the local authorities, or of their being involved in party politics for their continuation in service. The provincialisation of the cadres of these services would enable their classifications, thus affording the much-needed chances of promotion and transfer. The financial implications of such provincialisation would be a matter of legislative adjustment between the government and the local authorities.

While this Local Self Government Services Commission would retain control over the recruitment, appointments, promotions, transfers and punishments of the superior services of the local

authorities, it could also conduct examinations for periodically circularising lists of approved candidates for appointments in the subordinate services and clerical appointments by the local authorities, who may be statutorily limited in their selection of the candidates for such appointments only to these lists. These measures would bring about the enforcement of the merit system in recruitment, and eliminate the prevalent log-rolling, nepotism and favouritism.

These principles of the reorganisation of government control on local authorities lead to the inevitable corollary that the central government of the country must also not completely divest itself of all interest in their functioning and in their administration of the social services which are of such great importance to the nation as a whole. For the purposes of co-ordination of policy, comprehensive research, and collection of statistics and information in the sphere of local government, the central government must have a separate department. The central government can look to the problems of local self-government with that detachment and breadth of vision which would not be available to the provinces, and its suggestions and periodical review of their working would be invaluable. This co-ordination at the higher rung of the ladder would only be a somewhat modified acceptance of the general policy that while power for efficient working must be localised, knowledge, in order to be useful, must be centralised.

CHAPTER VI

ELECTORATE AND THE ELECTIONS

The freeman casting with unpurchased hand
The vote that shakes the turrets of the land.

OLIVER WENDELL HOLMES.

Intelligent appreciation of the responsibilities and the free exercise of vote are the essence of the proper functioning of democratic institutions. Irresponsibility, indifference and neglect on the part of the electorate are its anathema. It languishes, and corrupts itself, when its constituent people fail to foster it.

The citizen receives the services from his democratic institutions which he is content to accept and which he deserves. It lies within him to be saved from the tyranny which he is capable of inflicting on himself. The thinkers and framers of policy may overhaul systems and constitutions and their functions, but they are incapable of breathing the breath of life in these institutions. That must come with the awakening of the sense of duty and public spirit. This would be infused only by a concerted effort at fostering an intelligent citizenship, jealous of its rights and regardful of its obligations.

The present-day municipal communes of the country founder on the rocks of ignorance and general backwardness of the electorate. Their suicidal indifference and the absence of the conception

of the power of their vote lead them to a complacent tolerance of the inhuman environments which their representatives on the local authorities bring about for them, or which they fail to check or alter, and of the communal wranglings in which they indulge. Their apathy and indifference result in their very often returning, over and over again, the same corrupt and incompetent representatives at successive elections. They take no interest in what their local authorities continue to do or omit to do. At the elections they suffer themselves to be corrupted by the purchase of votes against the security of bets laid with all the formality of *satta* gambling. They are easily beguiled, and instead of preferring the candidates who devote themselves to public interest they cast their votes for those who can appeal to their prejudice, ignorance and cupidity.

For ending this tyranny of the uncomprehending electorate, democracy in India must be sedulously educated. There must be a broad-based effort at development of civic consciousness in the populace.

Press and platform, the radio, cinema, loud-speaker, poster, the written and spoken word, these must be pressed into full service for instructional propaganda. The schools, colleges and universities must take up the work of dissemination of civic knowledge, of training the citizen in the art of citizenship. The proceedings of the local authorities must secure the fullest measure of publicity, being thus brought to full view of the public so that it may judge for

itself whether its representatives are adequately discharging their trust. The rules, regulations and by-laws of the local authorities must statutorily be presented to the public in intelligible form, giving occasion to them to think about them and to express their views. Side by side with the inculcation of literacy in the people, their obligations towards their neighbours and the power that lies in their vote must be brought home to them. While the written word may yet remain limited in its utility in this direction, the spoken word from platforms at meetings arranged for this specific purpose should be made an integral part of municipal administration. The public address from these platforms may actually be made an essential qualification for eligibility for election to the municipal authorities, and likewise the attendance at these meetings may be made a compulsory qualification for the right of vote. Before the voter is called upon to vote, he must hear the evidence; before he can decide, he must know. Membership of these municipal authorities must cease to be only an honorific distinction and must find substitute in public service. The education of the electorate must cease to be based only on the hardships and deprivations consequent upon maladministration.

For achieving this objective there should also be a statutory provision for the incorporation of the accepted adjuncts of democracy, the referendum, initiative, and recall, which give the power to the electorate to express their views on specific measures

contemplated by their representatives and even to dislodge the elected representatives from their seats when they tend to become irresponsible or somnolent. In India the limitation of franchise itself, based as it is on status, educational or property qualifications, is a serious handicap to the full functioning of its local institutions. There is a growing and insistent universal demand for greater democratisation of local self-government. It is claimed that the municipal councils as well as the provincial and national legislatures should be broad-based on adult franchise. The property qualifications, the relic of the days of oligarchy, must be eliminated. Those days are now gone for ever when extent of the property determined not only the votable capacity of an individual but also the number of votes which he could cast at an election.

Adult franchise is looked up to for cure of the numerous ailments which local autonomy is now subject to. It is sought to make bribery of the voter, either directly or through services rendered, difficult if not impossible. In the present franchise the vested interests remain capable of dominating the electorate. With a wider franchise interests of the public will be able to assert themselves more fully. The working of adult suffrage, wherever it has been introduced in India, belies the fears which had hitherto been entertained regarding its successful functioning. The objections against the introduction of adult suffrage have been of various types. It was contended

that the electorate will be huge and unmanageable. The magnitude of the electorate cannot rightfully deter the efforts at greater democratisation and the inculcation of civic and political education which the right of vote brings to the masses. Preparation of electoral rolls would not be an impracticable task, for it would be only the next step above the preparation of rolls for the existent enfranchisement for provincial assemblies. This task could be accomplished by statutorily requiring all government and government-aided institutions and local bodies to work at the preparation of rolls and at the conduct of elections. Illiteracy is another argument advanced against the introduction of adult franchise. The provincial elections have set at naught all fears based on this argument. The percentage of the electorate who exercised their vote at these elections has been conspicuously high even in rural areas, and it would compare well with that of the more advanced countries. It has been experienced that literacy need not be made a condition precedent to the intelligent and discriminatory exercise of the vote. The effort at increasing literacy can well go hand in hand with the effort at making the populace politically conscious. The arguments based on the extant illiteracy have been that it would be difficult to bring home to the voter the value of the vote, that it would be difficult to induce him to go to the polling booth, and that he cannot be depended upon to mark the ballot paper correctly. The first of

these arguments is falsified by the figures of the percentage exercising the vote at the provincial elections. The second difficulty is undoubtedly there, but the solution for it is to increase the number of polling booths, and it is in no way insurmountable. The third argument may safely be disregarded, as the number of invalid votes at the provincial elections have been surprisingly low. Another argument advanced against adult franchise is that it will give the taxation power to the classes who would themselves remain exempt from tax payment, involving the possibility of their acting irresponsibly. This fear is indicative of the lack of faith in democracy, and would in any case be baseless as long as the taxation proposals of local authorities remain subject to veto of the provincial governments.

In the preparation of electoral rolls, the inaccuracies now resulting upon wrong assessment of property, tax-paying or educational qualifications will disappear upon the introduction of adult franchise. Once the electoral rolls are carefully prepared, additions and omissions in them and their revision will be rendered an automatic and easy process. This revision must take place at fixed intervals, besides the continuous revision consequent upon the obligation imposed upon house owners and tenants to furnish information about changes in tenancies and sub-tenancies. It would be facilitated by a statutory provision that all property holders should compulsorily furnish returns of all adults who reside in their

premises and of all their tenants. The tenants could similarly be placed under obligation to furnish information of all adults residing with them. A penalty could be provided for failure to submit such returns. These returns can be also ensured from house-owners every time tenants take up or vacate their premises. Some device could be hit upon for exercise of periodical check over the correctness of electoral rolls. In some Western countries the device of sending post-cards at the addresses of the registered voters and of ensuring return of undelivered post-cards through the postal authorities has been very successfully introduced for exercise of such check.

In order to maintain interest in the elections, and to bring them in accord with the objective of greater democratisation of local authorities, it is proposed to impose an obligation on the voter to exercise his vote. This compulsion in voting has been very successfully tried in some Western countries, and is a potent weapon for eliminating the apathy and indifference of the electorate so much in evidence in India. Such compulsion can be enforced through the prescription of a penalty for failure to exercise the vote without sufficient cause. The justification for imposition of a penalty lies in the recognition that while the exercise of the vote is a right, it constitutes also the performance of a duty. The vote constitutes that power which carries the capacity of setting up and overthrowing governments. This power constitutes the freedom of the area where it is made

exercisable. This freedom cannot be acquired in any way or purchased, excepting where it rightfully reposes. The conferment of this freedom, on persons other than those rightfully entitled to exercise the vote on the score of their inherent qualifications, is a great honour which the Western cities sometimes give to dignitaries. Such conferment of freedom is very often honorary without share in or the right over the corporate property of the local authority. Time has now come when we can rightfully insist upon the universal performance of the civic duty which this freedom imposes. Doubts have been expressed about the utility of the vote, the exercise of which is based on unwillingness and recalcitrance of the voter, but for the achievement of the objective of political education this experiment of imposing compulsion on the exercise of vote would be well worth a trial.

The determination of the rightful frequency of elections to local authorities is another important relevant consideration, due to its direct bearing on the objective of development of civic consciousness and of maintaining the interest of the electorate. This question involves the consideration of the life of the municipal councils and the terms of their members. The life of council varies in different provinces with the status of the municipality, remaining within the range of three to five years. The objections against the term shorter than three years are based on the considerations of expense, the

time factor, and the work of arranging and holding the elections. A term longer than five years is, likewise, not regarded with favour, as longer periods involve a tendency to make the councillors apathetic and forgetful of their duties. Depending upon the size and status of the councils, thus, the period of elections may continue to be within the range of three to five years, though wherever possible the shorter term of three years should be introduced, which would meet the objections both against unduly short terms as well as long terms. Another device, the utility of which has not been tried in India to the extent which it would claim on its merit, is the annual election of a fixed proportion of the council. Under this agreement one-third of the councillors would retire annually either on a system of rotation or by drawing lots, causing elections of that number every year. The elections of the entire council would recur every third year. This system has the disadvantage of furnishing only a limited scope for work to each individual councillor though it claims the advantage of keeping up the interest of the electorate and of their returning only those representatives who would not remain inactive on the council.

The various systems of constituencies and voting are other points relevant to the consideration of elections to local authorities, gaining particular importance because of their bearing on the question of representation of the different communities. The

respective advocates of single-member constituencies and multi-member or plural-member constituencies have claimed advantages of the one against the disadvantages of the other. It is claimed that if separate electorates are adopted for any community, the constituencies so created must be single-member constituencies, as otherwise they would be disproportionate in size. If any system of reservation of seats in joint electorates is adopted, it necessarily implies multi-member constituencies. Main argument for multi-member constituencies is that under it minorities stand a better chance of winning a fair proportion of seats. As long as voting continues to take place on communal or personal considerations, small sections of the public cannot hope to have chance of returning a representative of their choice unless more than one seat is allotted to one constituency. Single-member constituencies, it is contended, would subdivide the total area into small areas, which would be to the disadvantage of both the majorities and the minorities, though in theory the single-member constituencies may be simpler and better. It is also stated that with single-member constituencies, members of inferior quality and with a merely parochial outlook are likely to be returned. Although theoretically it is possible to avoid this by dispensing with the requirement that candidates must reside in their constituencies, it will not eliminate the difficulty as outsiders are not likely to win favour of voters of any particular constituency. The

advocates of single-member constituencies urge, on the other hand, that in view of the proposed extension of franchise and the relatively large proportion of voters who will cast vote for the first time, it is advisable to devise the simplest system of elections. Multi-member constituencies, even where there are two members for election, are likely to cause confusion to the backward and illiterate voter. Furthermore, it is contended, that multi-member constituency will not remain the responsibility of any one representative to look after, with the result that it will render it more difficult for the electorate to find redress of their grievances or voice their opinions effectively in the council. It is claimed that single-member constituencies help the healthy development of party system, that they are less expensive, save delays, and are better calculated to produce stable majorities. These advocates of single-member constituencies concede the necessity of multi-member constituencies only where they are for the representation of special scheduled castes, or for reservation of seats for any particular group or for women.

Similarly in the various systems of voting the merits and demerits of single transferable vote, the single non-transferable vote, the distributive vote and the cumulative vote have been assessed and claimed by their respective advocates. In the single transferable vote each elector has only one vote which he may give preferentially and it may be transferred by the Returning Officer according

to the priority of choice indicated by each elector, who would further be entitled, if he chooses, to express as many preferences as there are candidates. Assuming a three-member constituency, with nine candidates, each voter thus may vote only for the man of his choice or might indicate the priority of choice to the ninth degree. This system demands the most scrupulous accuracy and some intelligence on the part of the counters. In the system of single non-transferable vote a voter has only one vote which he can cast for any of the candidates who seek his suffrage, and he can cast it in favour of one candidate only. It has been urged that it is only under this system that minorities can feel any confidence that they would receive any adequate representation in multi-member constituencies. This is the simplest form of voting, and one very well suited to the illiterate electorate. It also saves immense amount of time in counting. In the distributive vote system the voter has as many votes as there are seats, but may cast one vote only in favour of any one candidate. This system is claimed to be suited particularly to multi-member constituencies where seats are reserved. In such reserved seats of multi-member constituencies, a voter can be given different coloured ballot papers to ensure a division of his votes among the candidates of different communities. Under the cumulative vote system the elector has as many votes as there are seats but he may plump them all for one

candidate, or distribute them over two or more candidates as he may desire. This system is much simpler administratively than the distributive system and gives the elector unfettered freedom of choice which is denied to him in the single transferable vote and only partially conceded in distributive vote.

Allied with this question of the single-member and multi-member constituencies and the various systems of voting is the much-debated question of joint and separate electorates. It is claimed that as a result of introduction of separate electorates in the local authorities and in the provincial and central legislatures, communalism has come to dominate politics. This tendency is conspicuously manifest in the formation of communal cliques, which display distrust of each other and waste their energies in petty wranglings and recriminations. Where the parties remain communal in their policies and outlook, they tend rather to the obstruction than transaction of business. Lines of cleavage, which are based not upon matters affecting the prosperity of the area but solely upon communal and sectarian differences, neither stimulate interest in nor foster pride in the efficiency of the municipal administration.

The institution of separate electorates is undoubtedly undemocratic, but the present-day tendencies and realities do not appear to leave us with any satisfactory alternative. There is the apprehension to the minorities that if this present right of separate representation is surrendered, they will be

dislodged from positions of effective minorities and may actually face the possibility of extinction of their representation in popular institutions. In the present state of communal feelings, and till the question of the representation of the individual communities is satisfactorily solved on an all-India basis, it is not possible to base any recommendations on these issues. There is the incontestable desirability of the introduction of joint electorates, with reservation of seats for the minorities, for scheduled castes, for women and for special interests. There is also the hope that time may come when we can do away even with these reservations under the adoption of adult franchise, but till then the separatist zealotry appears to be promising to have full sway.

The system of separate electorates does not obtain universal or uniform application in all local administrations in the provinces. In the Punjab there are only about fifty municipalities where this system is applied. The elected seats of various local authorities are distributed among several communities in proportion to their population as modified arithmetically by the voting strength. In the United Provinces, where the minority population is less than 25%, they are allowed a representation at a figure 30% higher than the actual percentage of the population. Where the minority population is more than 25% but less than 38%, the last figure determines the percentage representation, varying with every census and based on the percentage borne by the collective

minority population in the province. In Bengal the seats are reserved for minorities in proportion to their strength, but a candidate belonging to a minority can exercise the option to contest from the general constituency as well. In cases where majority of the qualified minority electors apply for the abolition of separate electorates, the joint system of electorates is introduced.

The conduct of the municipal elections under the direction and through the agency of government has also been looked upon with considerable disfavour, on the ground of its being contrary to the spirit of local autonomy. In the big cities the responsibility for holding elections are at present placed on the Corporations, whereas the elections to other local authorities are conducted and supervised by the District Officers of the government. It has been suggested that the local authorities themselves should be made responsible for the conduct of their elections. The chief objection against this proposal has been that the majority parties of the local councils would thereby be enabled to exercise undue influence and to cause undesirable interference in the elections, to the detriment of the minorities and the less organised parties. The ensurance of adequate supervision by the district authorities would meet any objections of such nature.

Secrecy of the ballot has not hitherto been adequately safeguarded in the elections to local authorities, furnishing cause for certain measure of

justifiable criticism of the conduct of these elections. In order to ensure real secrecy of the ballot for the literate as well as the illiterate voter, it is suggested that colour or symbol ballot boxes should be used, distinctive colour or symbol being allotted to each candidate. In the introduction of this system, the possibility of confusion and mistake can be largely eliminated by placing the boxes of the different major communities in separate compartments and by making their ballot papers of various shapes, such as rectangular and round.

Free elections constitute the bed-rock of democracy. The importance of elections grows as democracy comes back into its own after a lapse in the fields of totalitarianism or bureaucracy. It does not imply that elections are necessarily pleasant or satisfactory to human intelligence. In the conflict of personalities, parties, and principles, which constitute an election, the intelligent and sensitive minds abhor much that is vulgar and unreasonable. That cannot, however, be helped. It is like house cleaning, which may be a dirty and unpleasant task, but which is essential for a clean and comfortable living. Oftentimes an election is as painful as the birth pangs, but it is a natural and constructive process, and not, like dictatorship, a demon of destruction.

There have to be at least two parties in the field of free elections. Free elections become a farce if only one organised political party commands entire

sway. In all countries which claim to have some sort of democratic governments, elections and political parties constitute the necessary machinery by which the will of the people may be formulated and carried into effect. Elections enable the people to decide, as peacefully as possible, in what manner they would like to be served, and by whom. Each candidate is expected, both by tradition and constitutional practice, to apprise his constituents of his qualifications and fitness for serving them, and it is entirely for the latter to make the choice on the score of merit. As the constituents, the final repository of power, are for the most part inclined to be passive and indifferent, the representatives become trustees with many opportunities for power and profit. Public service through elected bodies thereby becomes a coveted privilege rather than an onerous duty, and is fought for passionately and not shirked. The scramble for a seat in the council becomes a strife, the competition a combat, and the polling booth a fighting arena.

The contestants do not fall short of any mud slinging. One becomes the Messiah for all the ills, and the opponent is dubbed as Satan to all purposes. Ballots become bullets. Promises are generously made, and elections often sink to the level of contest in corruption. In elections the party system displays its usefulness not only for fighting elections but in the promotion of policies and principles. It is true that the parties accentuate some of the differences

that go with popular elections, but they are the motivating power of democracy and one of the most important instruments for political education of the people. Their propaganda may be crude, and as such may not have any inherent educative value, but they do stir the people from their mental inertia and compel them to apply their mind to public necessities and affairs.

It has been debated whether continuance and growth of party politics inside the municipal councils can be beneficial to the administration. The argument is advanced that as the provision and extension of amenities and conveniences to the public are devoid of the colour of party strife and as their cause is not bettered by party differences, the existence of party politics inside the municipal councils is detrimental to the administration. No politics, in the sphere of municipal administration, is claimed to be good politics. While it is indisputable that the cleavages in the councils on communal or personal grounds can only lead to clogging and disharmony in the administration, it does not appear feasible or desirable to keep enlightened and honest politics entirely out of the municipal bodies.

CHAPTER VII

MUNICIPALITIES, THEIR CONSTITUTIONS AND COMPOSITIONS

Popular government rests on the principle that it is every citizen's business to see that the community is well governed.

LORD BRYCE.

Local municipal effort is, in miniature, the comprehensive national effort at social amelioration. In its scope and detail it is not in any way less important than the trust reposed by the people of province in their provincial government. Limited only in its activities to its area of jurisdiction, to enable the utilisation of the local talent for fostering local initiative and interest, the local authority embodies in its sweep practically the whole range of activities calculated to promote human comfort and welfare which are the concern of the provincial government. Its functions represent but a part of the sum total of the state activity. Its constitution and composition is, thus, not merely a subject of directions and decisions of the government but it is as much the interest of every individual citizen.

In its constitution a municipal local authority is a unit of local government. It is a corporate body having perpetual succession and a common seal, with power to acquire and hold property. It can sue and be sued in its corporate capacity. It is a *persona ficta*,

a fictitious person, which has no physical existence, but which exists for the purposes of the law. It is invisible and intangible. The essential elements in the legal conception of a local authority are its continuous identity and its existence separate and distinct from the individuals composing it. It may own property but the individual councillors have no right therein. It may owe money but the individuals in it have no obligation to pay the debt. It may well be compared to a river, in that as long as a drop of water is in the river it is the river itself, but once outside it remains merely an insignificant drop. This is the principle of corporate capacity. There is continuity in its being, and on it is based the principle of succession.

(The municipal authority is a subordinate body politic established by the authority of law, its existence evidenced by a general or specific legislation, with a corporate name, with defined limits and a population, and with delegated powers of local government. It is created by law and depends for its existence as well for as for its powers upon the state or the nation. The essentials of the municipal authority, thus, consist in an incorporation evidenced by a specific or general legislation conveying corporate powers, a corporate name in which all its acts are done under the authentication of the use of corporate seal, a body of inhabitants exercising the corporate powers, either directly or through official agents, and an area of territory within which the

corporate functions are exercisable.)

Being creations of law these authorities do not have inherent powers but are subject to legislative interference. The common law is subject to change at any time by statute, and consequently these authorities have no right which are beyond the control of constitutions and laws. Their existence is not terminated nor is their identity affected by an enlargement or restriction in the territory, by an increase or decrease in the number of inhabitants, or by any change in the name or amendment of their charters. It is only when the entire territory of a municipal authority is annexed or consolidated or when the city charter is repealed without substitution by another charter, that its corporate existence comes to an end.

The status of a local authority in India is ordinarily determinable on the factors of population, its income, or special circumstances of its location. The provincial governments remain the judges of the adequacy of population or of the resources entitling a town to obtain municipal status. This arrangement makes for flexibility. A hard and fast rule as a determinant of the status of a local authority would be impracticable. There would be, for instance, towns of considerable size and resources which would primarily retain rural characteristics, while there would also be small industrial towns of predominantly urban characteristics, and these all could not be categorised by inflexible rules. The determination

of status of local authorities should, therefore, remain the preserve of the central authorities of individual provinces, and vest in the local government Boards.

Different criteria are at present in existence in different provinces for determining the status of local authorities. In Bengal municipalities secure establishment where at least three-fourths of the adult male population are employed in pursuits other than agriculture, where the population is not less than 3000 and the density of population is not less than 1000 to the square mile. In Bihar and Orissa the lowest limit of population for municipal status is 5000. In Bombay the minimum population required is 2000. The municipalities are among themselves classified according to their size and importance. The municipal authorities of big cities are termed corporations, with greater resources and enhanced powers. In Punjab, municipalities are placed in two classes, the first class and the second class. In Bombay the municipalities of important towns are known as Borough Municipalities while those of ordinary towns are District Municipalities. The District Municipalities of the more important towns are termed City Municipalities. Between the local authorities of municipal status and the village authorities there are the Small Town authorities, Town Committees, and Notified Area Committees. The Notified Areas are municipalities in miniature, intended to meet the requirements of areas intermediate in size between a town and a village. They are established where

urban characteristics are in the course of development and are distinctive from the town committees in that they comprise all nominated councillors whereas the town committees have the councillors partly elected and partly nominated. They are, further, governed by a few provisions in the municipal statutes themselves, whereas the town committees have their own special statutes.

While the determination of the status of a local authority is universally desired to remain with the provincial authority, various suggestions have been made in regard to the criteria for such determination. It has been suggested that urban areas of population above 10,000 should invariably secure municipal status, and also that where the annual income of any urban authority exceeds Rs. 10,000 it should ordinarily be given this status. Where the population of a town exceeds 1,50,000, or where the annual income is above Rs. 15,00,000, the municipal authority should secure the status of a corporation. Besides these the special importance or location of an urban area may be recognised for giving it municipal status.

The next important question in connection with the constitution and composition of municipal council is its size, which will determine the number of public representatives who would guide its destinies. This would obviously be dependent upon the size of the urban area of its jurisdiction, but involves the consideration of the general principle whether ordinarily the councils should aim at a small member-

ship or a large membership. The small-sized councils possess the undoubted advantage of their being more efficient in despatch and disposal of their business, but the large-sized councils are more in accord with the spirit of democracy, being more representative and closer to the people. The emphasis cannot be laid on the one type to the detriment of the attributes of the other, and the achievement of statesmanship would consist in evolving a *via media* which may enable the maximum of efficiency to be retained consistently with the retention of the principles of democracy. Different formulæ have been adopted in the different provinces for determination of the size of councils. In Punjab, in towns where the population does not exceed 5,000, six councillors are provided ; up to 7,500 population, nine ; up to 10,000, twelve ; up to 15,000, fourteen ; and thereafter the increase in number is at the rate of three members for every increase of 15,000. In Madras, up to 20,000 population, sixteen councillors are ordinarily provided ; between 20,000 and 30,000, twenty-four ; between 40,000 and 50,000, twenty-eight ; between 50,000 and 100,000, thirty-two ; and above 100,000, thirty-six. In corporations the number of councillors is different for different cities. In Bombay Corporation there are 117 councillors, in Calcutta 98, Lahore 68, Karachi 64, and Madras 65.

In the proposed schemes of municipal reform in India view-points have been divergent as to whether

the sizes of existing councils should secure any marked expansion with the imposition of a broader basis of franchise. The United Provinces Local Self Government Committee suggested that up to 15,000 population the number of councillors may be between 20 and 30 ; up to 50,000, between 30 and 50 ; up to 100,000, between 50 and 60 ; up to 200,000, between 66 and 100 ; and above 200,000, up to 125. The basis of this proposal has been the desire to secure representation of one councillor for an average population between 500 and 2,000. On the other hand the Bombay Local Self Government Committee have not proposed any substantial increase in strength even with extended franchise. Their argument for the hesitation to expand the councils is that councillors selected from constituencies with large number of voters would generally be of better capacity and acumen than those returned by small constituencies. The former are less likely to be parochial in their outlook.

It would obviously not be possible to lay down any general inflexible criteria for determining the size of councils, for the standards applicable to one local area or a province may not find the same rigid application elsewhere. In order, however, to avoid flagrant variations which may not be justified by local circumstances it would be desirable for the provincial governments to prescribe the principles with their bearing on the standard of literacy prevailing in the local areas, the conditions relating to their

wealth, their importance, and other peculiarities which may determine the size of their councils, consistently with the main principles of refusal to sacrifice efficiency at the altar of the meaningless shibboleths of democracy or the disregard of the dictates of democracy at the behests of efficiency idol.

In extending the application of this principle of achieving the maximum efficiency with the minimum sacrifice of the fundamentals of democracy, the next problem for serious consideration is whether all electors in the proposed adult franchise, disregarding of their mental training and equipment, should be given the right to secure election as representatives of the public on the municipal communes, or whether certain standards should be prescribed for enabling only those to seek election who are thereby adjudged to be capable of intelligently attending to the welfare of the people. This involves the question of prescription of qualifications for membership of the municipal councils. It is arguable against the principle of the prescription of any qualifications of this nature that literacy, in its accepted sense of the term, does not itself form any reliable criterion for ensuring that the person thus qualified would more enthusiastically or intelligently pursue the objective of public welfare than a person not able to read or write, and that while there may be many illiterate persons who are far better equipped for service in social welfare, quite a few of the literate ones may

be unworthy of it. It has often been contended that status, wealth, or education are in themselves no safe determinants for entrustment of public weal to the care of those who possess them, but that faith must be reposed in democracy itself to bring to surface only those who really deserve to be there. Such reasoning is undoubtedly disarming, but the desire for avoidance of pitfalls, which have punctuated the entire history of development of the local institutions in this country, urges the plea that till such time as these councils do not obtain a secure basis on aroused civic consciousness, the exigencies of public welfare demand that certain criteria may be fixed whereby only those who may be reasonably expected to be capable of guiding the councils better than the others, may be rendered eligible for election. In looking round for such criteria there cannot be any more reliable and more in conformity with the spirit of democracy than education itself, for, unless there is complete lapse into illiteracy after attainment of a reasonable educational standard or unless the mind is totally impervious to ideas, it would be education alone that would broaden the outlook and bring about the breadth of vision and human understanding which may engender a sense of safety in the entrustment of public welfare to the individual. In conformity with this general principle a section of reformers of municipal activity has advocated the prescription of educational standard for qualifying a voter to stand as candidate for

election to the local councils. According to them the handicap of illiteracy, coupled with the absence of a sense of civic consciousness, would continue to place on the councils only such men who would not in any way be better in calibre and integrity than those now on them. The unreasoning continuation of the present conditions would only perpetuate the existing inefficiency and chaos. Various suggestions have been put forth for laying down the main educational qualifications for determining eligibility for election, which, while affording an opportunity to every voter to stand for election irrespective of the circumstance of wealth, would ensure that he would take an intelligent and enlightened interest in the municipal administration. The offices of chairmen of these councils demand the delimitation of selection to persons of even greater acumen, intelligence and integrity than those who may be made eligible to become members of the councils, and accordingly it is suggested that for these offices, as well as for the offices of the vice-chairmen, there should be prescription of even higher minimum educational qualifications, dependent upon the status of the municipal councils. The standard of these various qualifications will require to be worked out variously for each province, determinable by the degree of development of civic consciousness in the electorate and advance of general literacy.

All the seats in municipal councils in India are not in general filled by the process of election. Cer-

tain percentage of them, varying from council to council and from province to province, and occasionally criticised as being based on arbitrary determination, are filled by nominations by the provincial governments. These nominations are sought to secure justification on the ground that they furnish the government with a lever to adjust inequalities suffered at the election by minorities and various other interests and to ensure equitable representation to all. They are relics of the days of despotism, having always been regarded with suspicion by the people. The attitude of the electorate and the elected representatives on the councils has often been of hostility to the nominated members, whom they regard as fifth columnists who have secured entrance through the back door. The system of nominations has now outlived any utility that it may have had, and there is now an insistent call from the general public for its being scrapped. There is, however, a growing desire to seek out some alternative system whereby the basic principle of adjustment of inequalities in the representations of communities, which may come about at the elections, could be ensured application. It is felt that the system of nominations in a modified form may actually be used for importing into the councils persons of specialised interests and specialised knowledge, skill, and experience, who may not care to submit themselves to the vagaries and bother of popular elections and yet whose presence in the councils

would be invaluable. The method of co-option, on the lines of co-option of aldermen in the English Borough Municipalities, would achieve this end, fulfilling the need sought to be rectified by nominations and yet retaining the basic principles of democratic selections. The elected representatives of the council, under this system, would elect, on some established mode of election, a certain prescribed percentage of the total strength of the council, for ultimate adjustment of representation of all communities and interests and specialised knowledge. The persons thus co-opted will trace their selection to ultimate will of the people through their elected representatives, and will no longer be the unwelcome government impositions on the councils.

Besides prescribing qualifications of eligibility for election or co-option on the councils, there would be need for prescribing definite disqualifications from such membership, which may disentitle undesirable persons from seeking election and may also disable their continuation in membership after election. These disqualifications have hitherto included certain disabilities which are not looked upon generally as in accord with the progress of the country towards democracy. Even after the elimination of the unsavoury disqualifications out of these, there would be need, however, to disqualify persons of unsound mind or those who get convicted in criminal cases involving moral turpitude. There must be very strict injunction to the members against abuse of

their power and also against their interference in executive day-to-day administration of the municipal authorities, and it is suggested that cases of flagrant abuse and interference, besides disqualifying the members and enabling their removal, may even be made statutorily punishable with fine and imprisonment.

The removal of members from councils as well as the acceptance of their resignations have hitherto been a very involved and cumbersome process, and very often the removal comes about months after the event of abuse, thereby defeating the purpose of conveying satisfaction to the electorate and proving as a deterrent to the other members. It is essential that the procedure in regard to removal should be simplified to make it expeditious. The Local Government Board should be made the competent authority for ordering such removal, eliciting information and reports direct and through its Inspectorate and Improvement Board. The resignations of members need not be made acceptable by the government, and as long as the indiscreet exercise of the powers can be obviated by rendering hasty acceptance of the resignations impossible, these may well be made acceptable by the councils themselves.

While at this question of rights, privileges and disabilities of the members of the municipal councils, we may consider another point relevant to it which is now gaining considerable importance. There is a growing feeling that members should be financially

recompensed for the loss of time in their devotion to the task of municipal administration. It is contended that some payment of the nature of daily allowances, as prescribed for members of provincial and central legislatures, should be made to the municipal councillors, to maintain their interest in the business of the councils and to make them feel that they do not stand to financially lose in attending to public work. It may be that this aspect of payment of remuneration to councillors has not yet developed into a formulated demand as it does not probably interest the councillors of higher status, but the wider enfranchisement will certainly involve the possibility of the return of representatives of the poorer classes who may ill afford to take time out of their professions to attend the council meetings.

From the consideration of the constitution and composition of the council in general, we come next to the important functioning of its dignitary, the chairman. This office of the municipal council has had a variegated history in India as well as abroad, and by the nature of various grades of power with which it is clothed in the different Indian provinces and in foreign countries, there is likelihood of confusion attending its consideration in the field of reform. This office carries with it, in some of the foreign countries, the power and duty not only of presiding over the meetings of the council but also of carrying on the executive administration of the municipality. The executive authority and the

chairmanship in such cases are synonymous. The Mayor of the municipal administrations of the United States of America is an example of this. In some Indian provinces the chairman of the council is distinguishable from its president, the former being the repository of executive authority of the council and the latter exercising the privilege of presiding over the meetings. The experience of municipal administration in India has emphasized the necessity of installing an executive authority in the council distinct from and independent of the dignitary exercising the privilege of presiding over the meetings and conducting the deliberations of the council. These considerations relating to the council's executive authority will come in for a later discussion, but it is appropriate to make it clear here that the chairman of the municipal council in the desired reform should be considered as bereft of all authority to interfere in the executive administration. It is with such chairman of the reformed municipal administration that we shall be concerned here.

India has progressed far ahead of the days of official nominated chairmen of the municipal authorities. They are now an exception where they were previously the rule. The chairmen now are mostly elected in general by the councillors at special meetings called for the purpose. In some places they are elected direct by the electorate, thus fostering in them independence of the votes of the

councillors and making them responsible directly to the people. The system of their direct election by the electorate is based on the conception of freeing them from dependence on the votes of the councillors who may thus be disabled from moving any vote of no-confidence against them and render this office immune from whims of the political majorities. This conception takes root primarily in the desire to inculcate a measure of security in the executive authority which was intended to be reposed in the chairman. Even where, however, the executive authority is desired to be retained separate from the office of chairman, and where it may not be necessary to base his election on direct vote of the electorate, the mode and term of election to this office, the qualifications for eligibility for election to it, and its privileges, assume great importance because of the eminence of this office in the hierarchy of municipal service. (The chairman's term of office need not coincide with the life of the council which is desired to extend ordinarily over three years, and it should be limited preferably to one year.) This office is not to be associated with the executive administration and is to constitute chiefly the mouth-piece of the principles, policy and programme of the council. There is no continuation of administrative policy dependent on this office, and accordingly its limitation to a term of one year would not affect the continuity of administration. With this limitation of the term to one year the chairman would be

saved from being apathetic or irresponsible to public opinion, and the interest of the council in the management of its affairs would be adequately maintained. It would keep the chairman alert and undictatorial. In such annual election of the chairman there should be a statutory provision for election of minority representatives by rotation, prescribing the period of rotation as it would obtain on the percentage strength of the minority. Elections of this nature from different communities have been established in some municipalities by convention, and they have been conducive towards harmonious functioning. The imposition of statutory obligation in this respect will infuse greater confidence in the minorities and create good-will among the communities.

With the limitation of the term of office of the chairman to one year there should be no necessity for retention of the provision for no-confidence motion against him. He ostensibly would be amenable to public opinion, with such short period in office, in order that the chances of his re-election may not be jeopardized. He could not afford to alienate his compatriots on the council, and in any case his abuse of powers as chairman would be as much open to the central action of his removal as that of the councillors. In the elimination of the provision for no-confidence against the chairman it is not desired to make him dictatorial and unamenable to public opinion, but it would go to make his position secure, in accord with

its dignity, to avoid its dependence on party-groupings and favours of councillors for his maintenance in office. The maintenance of dignity of the council would be his concern, and all that may go towards assisting him to this end must be procured for his office. He must be given first precedence in all places and functions within the jurisdiction of his council. To enable him to maintain an adequate standard in the public eye he should be paid a remuneration in the form of a ceremonial fund on the lines of such funds in Western countries. For giving him the respect and prestige which his office demands, he must be entitled to stand head and shoulders above the councillors, having the power to secure physical removal of any councillor from any meeting for misbehaviour, and even to suspend any councillor for at least a period of a fortnight for persistence in disorderliness. Even though he would not be directly controlling the executive, his position as chairman of the council and the chairman of the standing committee which is designed to be an important link in the executive administration of the council, would give him the eminence which would command the respect of the whole executive. The selection of chairman need not be limited only to membership of the council and it may be worthwhile to statutorily enable even outsiders to be elected by the council to this high office.

In order, further, to enable him to command the respect of the council and its constituents, and also to

ensure an intelligent and enlightened interest in municipal administration, it would be desirable to prescribe some minimum educational qualifications which would determine the eligibility of councillors or outsiders to seek election as chairman. It has been argued that the prescription of these qualifications for the office of the chairman should not be on a different footing from the qualifications prescribed for election to the council, for otherwise the higher qualifications for the office would deprive some councillors of the chance to be elected to it. This objection would be met only on the ground that if the interest of efficiency of municipal administration demands the prescription of these higher qualifications for this office, and also possibly for the office of the vice-chairman, the considerations of consequent ineligibility of any councillor should not be suffered to thwart this essential reform. The government approval of the election of chairman has often been very irksome to the councils. This is a meaningless imposition in these days of the march towards full democracy, constituting a negation of its principles. In any case it involves an implication that only persons who are *persona grata* with the government would secure approval of their elections. This provision should be deleted, placing the responsibility on the council alone for the acceptance of election. The resignation of the chairman, likewise, should not require to be accepted by the government and it should be enough for the council to signify its

acceptance.

The business of the municipal councils, particularly of the bigger towns, is of daily increasing complexity and multifariousness. For its efficient and expeditious disposal its meetings must be of greater frequency than have been hitherto determined by statutory provision of holding at least one meeting every month. This statutory obligation must be extended to prescribe at least two meetings in a month, and even to make weekly meetings compulsory where this may be necessitated. The council will continue to constitute various statutory and non-statutory committees for closer scrutiny of the various problems in the fields of finance, education, public health, public works, and general administration. There is enormous scope for work in these various committees, which is evidenced by the fact that the London County Council carries out its functions through no less than hundreds of such committees. The constitution of these committees would enable the council to apply its mind to the administrative problems at two stages, one when they are scrutinized by its committees, and the second when they eventually come up before itself. In the formation of these committees the council should be statutorily required to hold their election at special meetings called for the purpose, and to incorporate specialised knowledge by co-option of a fixed percentage of the strength of each committee from outside. In this way the functioning of the council would be visualis-

ed as comprising of the deliberations of special problems through its individual organs, with the general guidance of the whole given to its various parts.

Besides these various committees, constituted for tackling problems that arise from day to day in its various spheres of the administration, the council should have a general purposes committee of the nature of a Standing Committee which would be the repository of its executive responsibility. This Standing Committee would be the chief organ of the council for maintaining close watch on its executive authority, embodying all the residue of executive functions which are not delegated to the latter. It shall be the co-ordinating authority between the council and its executive, having definite statutory basis for its existence, strong in its exercise of powers and limited in its members. It should also have the power of co-option of expert and specialised knowledge up to a prescribed percentage of its strength. Its meetings, at least once every week, should be statutorily laid down. The complexity and enormity of the administrative work will find its concentration in this committee, and this will necessitate its frequent meetings and continuous functioning. This Committee should be annually elected on single transferable vote. The main responsibility for carrying out the policies of the council should be reposed in it where it is not specifically delegated to the executive. The chairman of the council may be its ex-officio chairman. The executive duties of appointments

above a certain fixed remuneration and of sanctioning contracts above a certain fixed amount, which the council would be hesitant to vest in any one individual, should be entrusted to this committee. The other statutory and non-statutory committees of the council, concerned with their allocated special functions, would act as subordinate agencies of the council and of the Standing Committee, in laying down policies, principles and programme.

CHAPTER VIII

MUNICIPAL EXECUTIVE AND SERVICES

When we build, let us think that we build for ever.

RUSKIN.

The efficient functioning of all democratic institutions is dependent on three concrete prerequisites. There must be primarily an intelligent interest evinced and continuously exercised by the rate-payers, for the institutions of democracy are set up by them for purposes of their own welfare. There must be wise policies laid down and carried out under the control of these institutions with the devotion and vigilance of the office-bearers. Last, though not the least, is the indispensable necessity of an honest and efficient staff. Without the competent agency for the carrying out of their policies, these democratic institutions reduce themselves to mere ineffective debating and wrangling anachronisms.

For guiding, controlling and co-ordinating the activities of this staff there is need for an effective and concentrated executive, which, while constituting the repository of the responsibility of interpreting the policies and programme of the council, would direct and watch the activities of the limbs of the administration through whose instrumentality the decisions of the council are carried to the populace. This executive must constitute the bottle-neck

between formulation and execution, between legislative activity and administrative motivation. In some systems of local self-government, particularly owing their inspiration from the English variety, the executive and legislative functions of the local authorities are not compartmentalised and remain inseparable, the former merging itself in the latter. In this system it is the council which remains as much supreme in the execution of its policies as it remains responsible for their formulation. The executive authority in such councils does not retain separate identity and is diversified in the council itself. The direct representatives of the electorate exercise unrestricted powers, not only in the settlement of finance and policy but also in the details of administration. This English system contains a remarkable record of successful voluntaryism and amateurism, and derives its inspiration from the character of the people attuned to it and imbued with the spirit of democracy.

It was this system which, resultant upon the circumstance of contact of England with India, came to be transplanted in this country. It was presumed that its success in the country of its origin held out the guarantee of its success in the dependent country under the guidance and fostering care of its rulers. Instead of adopting the system itself to suit the conditions of this country and the character and political standards of the people, it was assumed that the country would adapt itself to it. The failures of this

premise and imposition litter the country now. It is with the process of successive defaults and deprivations that the people have been awakened to the need for change and overhaul. Through a series of experimentation and process of trial and error they are persuaded to believe in the fundamentals of the desired reform.

It is widely recognised now that there is urgency of unambiguous delineation of the executive in the local communes of the country, on same lines as those of the distinctive executive in the spheres of provincial and central legislatures. The present diffusion and dispersal of the executive authority, as between the local council itself, its chairman, the chairmen of the various statutory and non-statutory committees, the executive officer, and secretary of the council, must give way to an integrated, visible and palpable executive. The executive functions of the nature of making appointments and sanctioning contracts must remain vested in some authority distinct from the legislative machinery. Its independence of the legislative body, consistently with the avoidance of its lapse into irresponsibility, must be secured, which alone could be an adequate safeguard against the excesses of elective government. The interference of the elected representatives in the day to day administration must be effectively eliminated, even with a statutory provision for infliction of a sentence of fine and imprisonment. The provision of municipal services and amenities is increasingly recognised to be

the province of experts rather than the field for laymen to meddle in. The complexity and enormity of the present-day municipal administration necessitates the handling of its problems by whole-time professionals rather than the political non-professionals, who can devote only their spare time to the job. It is felt that the standards of efficiency were noticeably higher in the days when the affairs of municipal administrations were in the hands of official chairmen. Their imposition on the local councils was no doubt a retrograde measure, but the administrative experience and the aloofness from party politics which they brought to bear on these offices was conducive towards efficient functioning.

Their replacement by non-official and elected chairmen, who were also entrusted with executive authority, spelt unmitigated misfortune. It could not be expected that these elected representatives, who were directly dependent on the votes of the electorate for getting into the councils and on those of the brother councillors for securing election as chairmen, would be other than a most unsuitable agency for enforcement of by-laws and regulations of the council, the assessment and collection of taxes, or for bringing the offenders to book for breaches of the rules framed by the council. The personal factor remained the sole determinant for purity and efficiency of administration, and consequently the fall in efficiency was prominently evident. A number of them were either incompetent or corrupt, or they

exploited their position. Nepotism and favouritism came to rule in the matter of appointments; dismissals and resignations were improperly secured; discipline was irreparably undermined; and maladministration came to be writ large almost everywhere. On the basis of this unhappy experience it is felt that the executive must be kept separate from the political office of chairman. The chairman should remain responsible only for the formulation of general policy of the council in consultation with the councillors, and for presiding over the meetings. For enunciating the policy, principles and programme of the council he would be the mouthpiece, but for carrying out the decisions of the council, in settling details of the administration, the executive would remain solely responsible, unhampered by the chairman. There must be explicit delineation of the scope and spheres of activity of the council, the chairman, the standing committee, and the chief executive, so that there may not be any overlapping or confusion which may lead to unpleasant friction which conspicuously raises its ugly head in the present-day institutions. The division of functions and powers between these respective authorities must be vertical in preference to being horizontal.

It would thus be observed that in the consideration of the question of appropriate repository of the executive authority of the council three principal issues are involved. These are: whether the executive authority should be kept dispersed as at present or

concentrated in one individual ; whether the council should also continue to exercise executive power or it should remain content with policy making and general critical supervision alone, i.e., whether the executive should be responsible to the council or be independent of it ; and finally, whether the chief executive should be political and non-professional or non-political and professional. The answers to these problems will not be available in inflexible maxims, for they defy being pinned down to ideal, unalterable solutions. Every type of local executive would have its advantages and peculiar disadvantages ; and one or the other will assume importance depending on the character, standard of life, political education and experience of the people. The particularisation of any one mode of local executive is merely a platitude of political science and the experience of one country may not be a safe guide for adoption of any principles in another. There must be, in India, adaptation of the principles which are best suited to it.

Systems of local government are classifiable according to the character of the executive. In general the need of a strong executive, responsible to the council in its generality, and of an enlightened council watchful over its executive, is recognised. It is accepted that in the executive the council should have its sheet-anchor, and in the councillors the dynamic force which keeps the wheels of administration moving. Broadly speaking, three

classes of local government in foreign countries are recognisable in their diversity. First is the council system as of England and its Dominions, where the responsibility for administration is retained by the council representing the electorate. Second is the One-Man System, represented by Burgomaster in Germany and the Strong Mayor and City Manager in U.S.A. Third is the Cabinet System, where the executive is in the hands of a small body consisting of officials or partly of officials and partly of lay members, such as the Magistrat in Germany, and Commission in U.S.A. In the One-Man System and the Cabinet System there is varying degree of control of the administration by the elected council, but it is as a rule slight and the responsibility of administration is chiefly vested in the executive.

America has furnished the foremost laboratory for experimentation in local government. There are at least four distinctive types of executive of the local council in the U.S.A. In one type, the strong executive type, the Mayor, is all in all and remains the sole repository of all executive authority of the council. In the second, the limited executive type, the Mayor carries out all the executive duties but the council retains the main strings. In another, the decentralised executive, a commission composed of a limited number of individuals, either from the council or from amongst officials, performs all the executive functions. In the fourth, the dependent executive type, the City Manager performs the functions of

the executive administration in the capacity of an employee of the council and under its control. In this process of experimentation and discard of the systems which were found unworkable in any particular local conditions, there has been continuous evolution and change in America, in the relation between city and the state in the organs of municipal government and in their adjustment to one another, and in the powers of local authorities and in the distribution of these powers. In India the inflexibility of an unsuited system, coupled with hesitant experimentation, with superimposition of irritating checks and balances, has led only to sterile pursuit of a hazy objective of civic improvement.

The requisite measure of competence, independence and security in the chief executive, would be ensured only by an insistence on his recruitment, appointment, promotion, transfer, punishment and removal by some authority external to the local council. The entrustment of these functions to the Local Government Board would achieve this objective. This Board would be constituted under the ægis of the popular provincial government, on the principles of democratic functioning, with the popular Minister in charge of the portfolio of Local Self-Government at its head. The argument that the deprivation of control of the local councils over their executive would be contrary to their democratic functioning would be rendered untenable with the exercise of these powers by a superior Board established

on democratic principles. As long as these executives remain appointable only by the abstract government department whose activities are immune from direct public scrutiny, they will continue to be regarded by the local bodies as usurpers, and the measures by which this is made possible will be dubbed as retrograde, striking at the very root of self-government, "a kind of espionage system, a punitive police sent to recalcitrant councils, an imposition of a middle man between the people and the elected representatives, relegating the councils to an anomalous position." In order to enable transfers of the executive officers from one council to another, either upon disagreements between them or for the purposes of ensuring periodical fresh initiative to be introduced in the administration, there should be provincialisation of this service. The provincial cadre can comprise of three or four different grades to suit the municipal authorities of varying status, and this would enable the recognition of merit and initiative for promotions from one grade to another. The recruitment to these different grades of the services would be in the hands of the Local Self-Government Services Commission, which would prescribe the minimum qualifications for each of them and would conduct examinations for the recruitment. The existing provincial administrative services may, in the initial stages, be tapped for recruiting an efficient cadre of the municipal executive officers. The executive officers should ordinarily

have fixed tenures of three years in each municipal council, which would be open to extension with the approval of the council and the Local Government Board. In the event of a two-third majority vote being recorded in any council against the working of its executive officer, wherein they may demand his transfer the Board would be obliged to order his transfer. The punishments, removals, and dismissals of the executive officers should remain only in the hands of the Local Government Board. In order to enable the Board to provide this provincial cadre, besides the other required cadres of health officers and engineers, there would have to be contributions from the local authorities to the Board's exchequer and these should be statutorily provided for.

By placing the executive officer directly under the external authority of the Local Government Board in regard to his recruitment, appointment, promotion and removal, it is not intended to make him unamenable to the influence of the local authority. By this expedient it is sought merely to eliminate the unpleasant features which have marred the experiment of installing separate executives. It is desired to avoid the unsavoury spectacle of disgusting scramble which comes about on the occasion of appointments of executive officers by the councils themselves and the party affiliations which the executive officers are obliged to indulge in for continuation in service. The conditions in Punjab, which saw the application of the Executive Officers'

Act in 1931-32, have shown that in almost all cases, particularly in the initial stages, the municipal councils themselves failed to select their executive officers with the prescribed majority which was initially $\frac{2}{3}$ rd and which was subsequently reduced to $\frac{5}{8}$ th, and that the government had to assume the burden of making appointments to these posts. The voting for these appointments in municipal councils has been mainly on communal lines, the votes being cast only for candidates of respective communities. In one council, of sixteen members, as many as nine members themselves stood as candidates for the post, disabling even the requisite majority of $\frac{5}{8}$ th to be collected for making selection. To the extent that the executive officers will no longer remain at the mercy of whims of political majorities, for their continuation in service or for promotion or punishment, this reform of provincialisation is urgently called for. In the exercise of their executive powers, however, they shall remain responsible and accountable to the councils who could censure them and move for their transfers. The residue of the executive authority of the councils, to the extent that it is not entrusted to the executive officers, would remain with the Standing Committees, which would thus be in a position to curb the irresponsible conduct of the executive officers. The definite demarcation of the spheres of duties and responsibilities of the councils, their standing committees, their chairmen, and their executive officers, would eliminate the

chances of overlap and friction, leading ultimately to comprehensive, co-ordinated executive of the entire municipal authority.

It will be, on this chief executive of the municipal council, an expert in administration and non-political, to be the mainspring of the municipal clock, while also being the clock face. He will keep the machinery going and also tell the time. He will be the microcosm of the entire administrative life and activity of the town. It is not inexpedient and is in fact more fruitful to centralise the responsibility of executive administration in this one individual, so that the administration, in its complexity, has the benefit of administrative experience and ability. To this arrangement is applicable the adage of Mark Twain that it was a fool who advocated that one should not put all one's eggs in one basket. The wise man puts all the eggs in one basket and then watches the basket. It is in the interest of efficient administration to concentrate the executive authority in the chief executive of the council, with the council maintaining an enlightened watch over the executive.

The municipal services other than the chief executive present an equally important problem in any scheme of overhaul, for the present system of their recruitment and the conditions of their service glaringly manifest how incompetence and dissatisfaction in the subordinate staff can ruin the work of the most efficient officers and technicians. The basis of any satisfactory administration is an efficient subordi-

nate and clerical staff and quite a large bit of the dilatoriness, inefficiency and corruption in the present municipal administration is traceable to the woefully inefficient staff, their haphazard recruitment, the confusing multiplicity of their grades and their dependence on favours of parties in the councils. In any satisfactory organisation of a permanent service, three criteria must invariably secure judicious fulfilment. Firstly, there must be a rigid and inflexible enforcement of the merit system in recruitment of services. The deviation from this principle may come about, if at all necessary, only for safeguarding the interests of political minorities. Secondly, there must be a reasonable guarantee of security of tenure of the incumbents consistent with their maintenance of good behaviour, and there must also be a reasonable scope and opportunity for promotion strictly on the principle of merit. Thirdly, the services must be abjured to strict political neutrality.

In the field of recruitment, the municipal authorities must accept the supremacy of the Local Government Services Commission. Upon recruitment, the superior services of the municipalities, particularly the executive officers, the engineers and health officers, should be appointable to the local authorities only by the Local Government Board. For the technical superior services of engineers and health officers, as in the case of executive officers, there should be provincialised cadres of different suitable grades, and their appointments, transfers, promotions,

punishments, and removals should remain in the hands of the Local Government Board. In the subordinate and clerical services, however, the municipal authorities should have a free hand in appointments and disciplinary regulation, their choice being nevertheless limited to the lists of approved available candidates of the various grades which should be periodically circularised by the Local Government Services Commission. Some of the appointments, dependent upon the status of the municipalities, would require to be declared as obligatory appointments, while others may remain discretionary, part-time or voluntary appointments. In order to ensure some satisfaction to the employees and to secure some degree of uniformity, there should be prescription, by the Local Government Board, of the minima and maxima of the various grades of the services. There must be some adequate provision for pension schemes for superannuated employees. Training of candidates for the various municipal services, as also the provision of refresher courses for the employees, should form an integral part of the activity at the provincial headquarters. This work should be entrusted to the Local Self-Government Institute which would function under the fostering guidance of the Local Government Board. The schools, colleges and universities must set up a curriculum of Local Self-Government studies, for turning out well-equipped municipal servants while they concentrate generally on propagation of the art

of citizenship through academic and extra-mural studies.

With such purge and purification of the municipal services, with the guarantee of merit system taking precedence over nepotism and log-rolling, and with the assurance that the awakened citizen would be properly moulded into a trained serviceman, the local municipal authorities will be launched upon an era of prosperous functionalism in the larger interests of the country.

CHAPTER IX

POWERS AND FUNCTIONS

Forced into virtue thus, by self-defence,
Even kings learned justice and benevolence ;
Self-love forsook the path it first pursued,
And found the private in the public good.

ALEXANDER POPE.

In the scope and detail of their work the municipal authorities contain almost the entire sweep of the work of the government of the nation in public welfare and social reconstruction. They do on a smaller scale what the central authorities aim at in a wider sphere. Their successful functioning and their failures and defaults are as much the determinants of human happiness or depravity as of the governments of which they constitute the limbs.

Each local authority exercises a dual personality. It functions both as a unit of government and as the corporate personality of the community. In its former capacity it governs, while in its latter capacity, as expressing the will of the people for their well-being, it serves. In the capacity of its governmental organ it is entrusted with and exercises powers, while in its capacity as a unit of service it performs functions. These powers and functions of the local authority make up the sum total of its life as a social and political entity, the power expressing the legal authority to do an act, and the function, the act desired to be done.

We will first consider the powers that vest in the municipal authorities. These are classifiable in the various spheres of their activity. There are legislative powers, administrative powers, fiscal powers, judicial powers, and police or punitive powers, all constituting specific exercise for control and guidance of the activities in various directions and yet retaining the unity of the whole. They owe their origin to statutory conferment and continue to be exercisable till specifically withdrawn by statute and till the local authority continues in being.

In the legislative sphere of its activity, the municipal council is empowered to make rules, regulations and bye-laws for its proper governance in all the various spheres. For the regulation of the building operations in its areas, for sale of meat and food, milk supply, disposal of sullage and sewerage, operations of the markets, display of sign-boards, construction of projections, plying of vehicles, control of traffic, maintenance of parks, and for numerous other aspects of its administration, it frames such bye-laws and rules. The multifarious activity of the municipal council often brings about vast multiplicity of these bye-laws. It is estimated that the New York City Council has not less than 9000 regulations of this nature in force, which are contained in four big volumes. Through these regulations and bye-laws the council conveys its decisions to the people and carries out its functions and duties. They constitute the laws for the good government of local areas.)

Their purpose is to supplement the general law, for its proper application in areas where it may be suitably modified to bring it in accord with the local peculiarities. In order to ensure that they are framed with the majority concurrence of the elected representatives and that the general public is afforded an adequate opportunity to express its views on them before they are made applicable, a definite procedure for their being taken up in a special meeting of the council and their publication is statutorily prescribed. In order, further, to safeguard against the excesses and whims of political or communal majorities, they are required to secure the formal sanction of provincial government before their promulgation. This existing procedure of the sanction is cumbersome and causes irritating delays. In the scheme of reform, the government sanction of these bye-laws, rules and regulations should be replaced by the approval of the Local Government Board. For facilitating the framing of these by local councils, the Board should circulate model bye-laws which may be adapted by the councils to local conditions ; and for imposing some measure of obligation on them for securing their adoption the Board may fix a time limit within which the councils must complete the formalities of their application at the risk of their being enforced under the authority of the Board itself. These bye-laws must satisfy certain conditions. They must be taken up by the local councils in properly and legally constituted meetings. Their formulation must observe the due

formalities prescribed by law. They must not be *ultra vires* of the powers of the local authority, relating only to subjects within its corporate competence, strictly avoiding repugnance to common law. They must not be unreasonable or oppressive, or unequal, unfair or discriminating. They must, by fair and natural construction, convey a reasonable certainty of unambiguous interpretation.

(In the sphere of general administration the powers of local authorities are not easily enumerable. They consist of the powers to appoint, punish and remove servants, to enter into contracts for construction of roads and buildings, to acquire and sell land, to lay streets, to prepare town-planning schemes, and to cause removal of obstructions or demolition of dangerous buildings.)

In the eyes of the law the local authority enjoys a markedly privileged position. In being sued against, the prerequisite for the other party is to prove that the act of the local authority was not lawful and was done in bad faith. The suit itself can be brought against it only after due service of notice and within a specified period of the cause of action. In its corporate authority, it can no doubt sue and be sued, but by virtue of its abstract nature it cannot be sentenced to imprisonment. It can, however, be fined and pay damages.

(The fiscal powers of the local authorities empower them to raise funds for carrying on their administration and fulfilling their obligations. They raise their

revenues by resorting to taxation, collecting fees and rents, securing profits in remunerative enterprises, raising loans, obtaining grants-in-aid, and from some other miscellaneous sources. These powers also authorise them to spend these funds on the specific functions lying within the scope of their administration. Their sources of raising funds are statutorily delimited, as are their spheres of administrative activity, in order to avoid overlapping with the governmental activity in their local areas. In taxation, the most important sources of revenue are the taxation of buildings and lands, the imposition of octroi duties, and the levy of special cesses for specific services such as drainage, lighting, fire, water-supply and scavenging. The taxation of immovable property is based on the justification of the enhancement of the value of property resultant upon the safety, conveniences and healthful surroundings provided by the action of the local authority. The octroi duties are a legacy from the very ancient ages, constituting a levy on the trade and commerce which are facilitated by the urban concentrations. Their imposition has been severely criticized in recent years on the basis of their incidence falling on the rich and poor alike, irrespective of their differing capacity to pay. There is an increasing tendency to replace the octroi duties by the more direct modes of taxation. The special cesses contain within them the germs of their justification, constituting in their levy the responsibility of the local authority to provide the specific services,

which without such financial equipment may remain unprovided.

(The judicial powers of local authorities in India are very limited in their scope. They are not made responsible for setting up or for exercising control over any courts of law. In regard to the trial of the more serious offences, it is considered that they are not at present sufficiently equipped with moral integrity to inspire confidence of judicious administration of any law-courts, and in the case of ordinary misdemeanours which may constitute only of contravention of their own bye-laws and regulations, it is thought that their interestedness as a party to the proceedings would cause apprehension of mis-carriage of justice. Certain municipal corporations have special magistrates for trying municipal cases, but they do not exercise any control over them even though the cost of these courts may be met out of the corporation funds. The municipal authorities do, however, possess the power of compounding offences with the defaulters, and to this extent alone they may be considered to exercise judicial powers.

(In the sphere of punitive or police powers, the local authorities, by promulgation of local law^{ry} enumerate the various acts which should or sho^{he} not be done. The specific performance of these res ; and their omission vest police powers in the l and authorities. All these acts are classifiable labo- various categories according to their nature and^s and powers that their performance or omission giv^{gricul-}

the councils. There are, thus, acts which are declared as offences under the local laws, also acts which cannot be done without the sanction of the local councils, acts the doing of which can be required by the local councils, and acts which can be directly performed by the local authorities. The acts of throwing refuse on the streets, sale of unwholesome articles of food and drink, letting dogs at large, letting out infected houses, and plying of vehicles without proper licensing, are examples of offences under the local laws. The prohibitions by local authority extend over spheres such as the use of buildings declared unfit for human habitation, cultivation, use of manure, or irrigation injurious to health, use of water from polluted sources, and construction of walls of inflammable material. Acts involving the prior sanction of local authority include the erection and re-erection of buildings, laying out of new streets, establishing a new factory, making an encroachment, and the following of specified trades and callings. In the acts which the local authority can require to be done are included the provision or removal of any drain, latrine, privy or urinal, the improvement of any alley or passage, the trimming of trees and hedges, the cleansing of filthy buildings, by the levelling, paving or metalling of any street. In cases where the local authority requires an act to be done and the party thus directed defaults in carrying out the direction, the local authority can itself get it performed at the cost of the defaulter.

Coming now to the functions of local authorities, it is observed that these are classifiable in the categories of subjective functions and objective functions. In the group of subjective functions the services are grouped according to their importance, while in the group of objective functions they are based on their nature. In the subjective classification the functions are considered on their being either obligatory or discretionary. The obligatory functions represent the minimum of communal requirements, which must be performed by the local authorities and to which precedence must be given over all activity. Discretionary or permissive functions include those functions which the local authorities may take up, at their discretion, if they have the required resources and initiative for their performance. The obligatory functions generally include drainage, scavenging, watering, cleansing, naming, maintenance and construction of public streets; registration of births and deaths; vaccination; abatement of nuisances; markets; slaughter-houses; prevention of disease; medical relief; regulation of offensive and dangerous trades; removal of encroachments; parks and gardens; regulation of traffic; and sometimes also primary education. The discretionary functions include the provision of maternity and child welfare centres; milk depots; institution for care of the blind and helpless persons; chemical and bacteriological laboratories; wash-houses and bathing places; dairies and farms; libraries, museums and art galleries; agricul-

tural, scientific or industrial fairs; prevention of cruelty to animals; and other such matters likely to promote the public health, safety or convenience of the people.

(In the objective system of classification, the functions of local authorities can be grouped under five different heads—the public health services, public works, public instruction, public safety, and public convenience. [In the public health sphere are included the services relating to control of infectious diseases, water-supply, conservancy, drainage, regulation of food-supply, medical relief, maternity relief, child welfare, registration of births and deaths, regulation of fairs, regulation of burning and burial grounds, and other such measures calculated to promote public health.] [The public works services include the laying out, construction and maintenance of streets and roads, the control over building operations, housing, town-planning, construction and maintenance of bridges and water-works, drainage and disposal systems, urinals and latrines. [Public safety services include all measures adopted to avert danger, injury, offence, or inconvenience to the public. They are comprised of watch and ward, [public lighting, fire-fighting, regulation of offensive and dangerous trades, abatement of nuisances, control of rabid and dangerous animals, regulation of traffic, prevention of encroachments, regulation of dangerous buildings and structures.] (Public convenience services include those which promote public comfort and convenience,

such as the maintenance of parks, gardens, recreation grounds and open spaces, the setting up of vehicle stands, naming of streets and roads, planting of trees, provision of radio-loudspeakers and band stands, clock-towers, rest-houses, serais or common-houses, and veterinary aid. The public instruction services are limited mainly to the enforcement of primary education, though they also generally include the maintenance of secondary and high schools, industrial schools, schools of arts and crafts, running of classes in sewing and embroidery for women, organisation of industrial exhibitions and maintenance of reading rooms, libraries and museums.

Besides these classifiable services there are many services of miscellaneous nature which are also within the competence of the municipal authorities to organise. These include the conduct of census operations, the enforcement of registration of marriages, regulation and inspection of weights and measures, provision of public weighing places, public washing and bathing places, regulation of dhobi-ghats and washermen, control of prostitution by prohibition of brothels in specified areas, maintenance of rescue homes, maintenance of public monuments, maintenance of telephone systems and other public utility undertakings such as tramway systems, gas-supply and electric-supply, organisation and maintenance of health associations and association for the prevention of juvenile smoking, and prevention of cruelty to animals and children. The range of these functions

include within its sweep all those services which are calculated to promote the health, comfort, convenience, safety or interest of the general public.

It is true that due to the absence of initiative, though also greatly due to the inadequacy of financial resources, the municipal authorities have not shown themselves up to the task of satisfactorily carrying out even these obligatory functions and the range of the discretionary functions afforded to them. It is only in about half a dozen municipalities that there has been a venture towards establishing public utility undertakings of the nature of tramway services and gas-supply, but it must be recognised that such ventures require big finances which are not at present at the command of most of these urban authorities. There is, nevertheless, a growing feeling that the satisfactory discharge of the present duties and performance within the scope of present functions should not be made a condition precedent for authorising the municipal authorities to undertake additional functions where their initiative may in fact obtain further play. Municipalities are not to be treated like schoolboys, who must pass a given examination to secure promotion to the next higher class. The local functions fundamentally constitute a unity, and the absence of one essential function in the link may adversely affect the management of the others. It would, for example, obviously be impossible to expect the raising of health standards without a suitable provision for housing. Similarly education will not be

availing as long as nothing is done to remove the hunger and illness of the children. Destitution of the people is a stumbling block in the way of their health and moral reform. In matters of public welfare it is inexpedient and unwise to proceed by halves.

The municipal authorities of foreign countries possess a much greater range of functions in which they can direct their activity. They maintain their own police force ; they are responsible for administration of justice ; they look after the provision of lock-ups and places of detention ; they concern themselves with the relief of destitution, the enforcement of national acts connected with working hours of factories and commercial establishments, the probation of offenders, medical and unemployment insurance, savings banks and trading services, work-houses, and even with harbours, shipping and canals. Some countries authorise their local councils to directly handle even trading and non-trading functions, owning and managing cinemas, theatres, concert halls and opera-houses, pawn-shops, hotels, restaurants, bakeries, building and mortgage societies. They leave the scope of municipal functions undefined and unlimited, enabling the local authorities to undertake anything that may be useful and necessary for the community, exercising only a right of veto for intervention in cases of undesirable excesses.

There is scope in India for extension of the municipal functions, the performance of which may be statutorily made obligatory as well of those which

may remain at the discretion of local councils. There is increasing demand for including in their spheres of duties the maintenance of an adequate police, under their direct charge, for performance of the duties connected with public safety and convenience, and for making them responsible for administration of justice, particularly in the sphere of misdemeanours and the minor offences against local laws. In the social services, their sphere of duties should include housing, slum-clearance, town-improvement, public assistance and relief of destitution, health and unemployment insurance. These services are no longer considered as luxuries, or of secondary importance. Trading services of the municipalities are invaluable in redressing the social balance in favour of the poor and in infusing in them a healthy and cheerful existence. They may well take up, where they can afford, besides water-supply, transport and electric-supply enterprises, the activities of building and letting out of houses, milk-supply, publishing enterprises, community catering houses, laundry service, and public entertainments. They should include in their functions the improvement of trade and industry of the local areas, stimulating not only the organisation of shows and exhibitions but the preparation of development plans based on expert survey of the industrial potentialities of the towns, starting model industries and providing help and guidance to private local initiative.

The powers and functions of local authorities

in India, on the precedent of their English models, are determined by the method of concessional grant. They derive the authority over these as a measure of devolution from the government to which they owe their origin. In the English system of such devolution, however, the general grant to local authorities set up by the statute is supplemented by specific grant for individual local authorities by special enactments. This device enables the Parliament to meet the special needs of particular local areas, in regard to powers which may not belong to the councils generally, by enacting special statutes known as Private Acts. The initiative for such enactment comes from the local council itself, which petitions the Parliament for the specific grant. Parliament considers the claim, takes evidence for and against it in a judicial manner, and finally gives its verdict. This involved procedure is now gradually giving way to the operation of the issue of Provisional Orders or Special Orders by the appropriate government department, which itself institutes the enquiry upon receipt of any local claim. This method of specific grant by private acts and provisional orders provides specially for the needs of progressive local authorities, to enable them to go beyond the lowest common measure of general local administration and to encourage them to venture in new fields of social help. The local councils are, thus, given some measure of initiative in determining their own powers. The Indian municipal councils, on the

other hand, are regulated in their functions by laws of general application only, all of the same class being thus driven with the same stick. No heed is paid to the fact whether they are large or small, progressive or backward. They are desired to fall in line with sterile uniformity, depriving them of all initiative for experimentation along new lines. It is true that some scope for variation is provided by the permissive functions and by the provision that the local council may undertake any activity the expenditure on which is declared by the government to be appropriate charge on the local funds. These, however, come to be strictly construed in their interpretations and while the governments remain hesitant to authorize expenditure on new projects the initiative of local councils remains curbed. It is suggested that the local authorities in India should also be enabled to register their initiative by petitioning for special grants and that the legislatures should authorise the provincial governments to grant to particularly progressive local bodies new powers when they apply for them and prove their case.

In regulating the powers and functions of local councils, the determining factor should be that these will require to be exercised in the interest of the individual, who, resultant upon the gigantic forces let loose by the industrial advancement and scientific inventions, has lost his capacity to be self-sufficient or for self-help and who thus comes to depend upon the state, for his food, for his shelter, for his

employment and for his environments. It is the state which is responsible for bringing about the conditions in which such individuals now live, and it is, therefore, the responsibility of the state itself to neutralise and remove their deleterious effect by pursuing a policy of public welfare. The local authorities, because of their wider representative character, their nearness to the people, and their intimate knowledge of their needs, form the most appropriate instruments for this welfare activity of the state, providing the flexibility of technique of its approach to the people and preventing the waste of standardisation and unnatural uniformity. In their functioning they have hitherto been handicapped and have in consequence earned the odium of incompetence. Their existing maladministration is no argument for any hesitant approach to the problem of extension of their powers and their functions. This would be the outlook of defeatism, the absence of faith in the human being as an instrument of democracy. It would be like arguing that we must continue in Sin that Grace may abound

CHAPTER X

MUNICIPAL FINANCES

To tax and to please, no more than to love and to be wise,
is not given to man.

EDMUND BURKE.

Sovereignty of institutions, as of individuals, is measurable by the extent of their purse. It is in fact synonymous with the power of the purse. This power determines their status, and affords the capacity to cater to the needs of the community. Shorn of it they remain mere symbols without any substance.

The municipal administrations in India have evidenced maladministration or hesitant provision of public amenities, not entirely because of the absence of initiative or of the lack of capacity to govern. The serious handicaps of their finances have in no small measure been an important contributory factor in their disability. Their financial bases have been so precarious and unsound that they could not be expected, even if they had the will, to launch on any comprehensive schemes of public welfare or modernisation of their administration. With the increasing devolution of powers to them and the gradually growing multiplicity of their functions, they remained perched on inelastic financial resources which did not obtain any such corresponding expansion. They were called upon to shoulder the burden

of heavy responsibilities of public health, social welfare and education, without sufficient guarantee of the means. In the first flush of enthusiasm, some of them, forgetful of the dependence of these services on finances, launched upon costly and ambitious schemes beyond their powers, which involved them in further financial difficulties, necessitating retrenchments and curtailments of even the bare essentials of public amenities.

The general poverty of the municipal authorities in India is appalling. The figures of finances of the individual authorities do not furnish any indication of it. These figures should be viewed against the background of their responsibilities and the trust reposed in them, and it is only when they are compared with the corresponding figures of the local authorities of other countries that their low standards stand out prominently. Some of the bigger municipalities, in particular the corporations, give an impression of their being rich in resources, with tens of million rupees. But the comparisons with the municipalities of some of the advanced countries of the West make them appear steeped in abject financial inadequacy, with their incomes ranging ordinarily between one-twelfth to one-fifteenth of those of their compatriots of the West. The local municipal income of the whole country, with nearly one thousand municipalities, does not exceed even fifty crore rupees, whereas the total income of the municipalities of England alone exceeds five

hundred crore rupees. The entire municipal income of the country, about fifteen years ago, was just in the neighbourhood of the income of the London County Council alone. The average rate of incidence per head in our municipal areas is much below ten rupees, whereas the average individual in an English town pays nothing less than fifteen times this amount. The per capita expenditure in India, determining the sum-total of public services provided by the municipalities, is also thus about one-fifteenth of what the municipalities in England incur.

The chief cause of this inadequacy of municipal resources in India is the general poverty of the people, which places their taxable capacity at a very low level. An average Indian is ten to twenty times poorer than the inhabitants of the more prosperous Western countries. This poverty will persist till the total national income of the country secures ample expansion. Another cause leading to it is the obsolete and mis-shapen financial framework of the local authorities, as much as of the central and the provincial governments. In cutting their coats according to the cloth, the local authorities can at best make only skimpy and ill-fitting coats because of the out-moded and antiquated systems of their cloth supply. They depend only upon those resources which are left over as remnants after satisfying the wants of the centre and the provinces. Those superior national authorities appropriate to themselves the choicest of the resources, leaving only very inelastic

Municipal Finances

and often unpopular ones for the local institutions. They take away a substantial portion of the taxable capacity of the people and the local authorities are expected to do what best they can out of the remainder. As the provincial governments themselves have not been provided with adequate sources of revenue and yet are called upon to undertake the ever-expanding schemes of economic and social reform, they have been driven to encroach on the fields of local taxation. The recent taxation of immovable property by them, as also the appropriation of sales tax and entertainment tax, are instances of this tendency. In the absence of clear demarcation of the fiscal fields of the provincial and local authorities, the latter stand to lose by the exploitation of their revenue sources by the former. The financial weakness of the local authorities is thus traceable to their development by the process of devolution of powers, which enable the originating central authority to appropriate to itself even those resources and functions which by their very nature ought to belong to the subordinate authorities.

(The financial framework of the local authorities rests upon weak resources and an antiquated system, and in tapping these resources the councillors evince extreme hesitation which, in the larger interests of the community, is often the source of great annoyance to the controlling provincial governments. The indirect systems of their taxation, with depen-

dence on sources such as town duties of the nature of octroi and terminal tax, small fees for licenses and services, and yields from municipal property fail to inspire in them the boldness to venture in the fields of fiscal expansion, thereby impeding their general progress. They exhibit great apathy in resorting to direct taxation which alone can enable them to adequately regulate its incidence, making it fall upon people who are able to bear the burden and determining this burden in accordance with the taxpayer's ability to pay. In the easy collection of the indirect taxes and in the apparent advantage of their incidence on the general populace not being felt, they disregard the outstanding merits of the direct taxation which are contained in their facilitating the equitable distribution of taxation and preventing those classes, who ought to contribute to the revenue according to their capacity, from escaping their obligations as citizens. They fail to recognise that this very advantage of the indirect taxation, which apparently lies in its incidence falling on all people irrespective of their status in life, constitutes its very serious demerit in that the indirect taxes have a tendency to fall on the mass of the public which has the least capacity to bear the burden. No adequate attempt has been made in India to explore the non-taxation sources for yielding revenues to the local authorities. Resting complacent in the out-dated systems of taxation they have never been urged to discard the traditional sources of property taxation or town

duties in favour of modernisation of their financial basis by venturing into the industrial or trading domains or in acquiring profit-making landed estates. The Western countries have set the pace in these new fields, by entering into profitable enterprises of constructing and letting out houses, shops, offices, working-class dwellings, running bathing establishments, fisheries, docks, bakeries, theatres, inns and restaurants, mills, factories, and dairies, besides expanding the existing public utility undertakings of the road and underground transport services, gas-supply, water-supply, and electric-supply. These services not only render effective service to the civic population but constitute substantial source of revenue to the municipalities.

The financial position of the municipal authority, though itself dependent upon the prosperity of the local area, substantially contributes towards this prosperity. By a planned programme of public expenditure on remunerative enterprises, this very fund which is raised as taxation from the populace is returned to them, adding to their wealth and lessening the burden of fresh taxation. This helps in creating far more wealth than would be possible in any economic system of municipal parsimony. The expenditure on services, such as drainage and sewerage schemes, brings about increased employment and puts money into the hands of workers. They enable the setting up of beneficent public works and at the same time increase their purchasing

power and taxable capacity. The money coming to them in the form of wages is passed on by them to those who provide them with accommodation and to those who provide them with meals and other commodities. The whole community thus shares in the benefits of planned municipal expenditure, and the enhanced prosperity of the municipality causes an increase in the municipal income. In this way the municipality benefits by what it spends.

The taxes levied by municipal authorities in India are classifiable under four heads. First are those which fall on the trade. These include the octroi duties, terminal taxes, and toll. Second category comprises of the taxes on property, in which are included the taxes on houses and their sites and also the taxes incidental to immovable properties, such as fire-tax, water-tax and scavenging tax. Third category covers the taxes on persons, including the taxes on circumstance and profession, trade and calling, on pilgrims, menial and domestic servants. In the fourth class are included a number of fees and licenses which are imposed for the performance of specific acts, such as the plying of vehicles, use of slaughter-houses, carrying on dangerous and offensive trades, or display of sign-boards and advertisements. These fees are either for specific acts rendered by the municipality, or are partly of the nature of luxury taxes and partly levied for purposes of regulation. Besides these the municipalities add to their revenues by the rents accruing on their properties,

the grants-in-aid from provincial governments, and profits from the trading services of the nature of public utility undertakings. For specific objectives, particularly for construction of capital works, they also raise loans which they pay back, with interest, in a series of instalments spread over a large number of years.

In the taxes and rates of the municipalities, the most important are the town-duties and the taxes on houses and lands. The town-duties, of octroi and terminal-tax charges, are mere anachronisms in this age, offending against all canons of modernised taxation. Yet they contribute a substantial portion of the total municipal income of the country and actually form the major source of income of the numerous councils who have not adopted the expedient of resorting to direct taxation by taxing property. Unless very strict vigilance is exercised in framing the schedules of these octroi duties, they cause most undesirable discrimination in the various sections of the trade and lead to undue interference with inter-district or inter-provincial traffic. While it should be the consistent effort of governments and local councils to aim at gradual abolition of these taxes on the trade, they should, wherever they have to continue in the transition period, be reorganized on the basic principles that they should interfere as little as possible with trade and industry, that taxation of articles such as milk and fresh vegetables should be scrupulously avoided, that any such articles should not be

taxed the collection of tax on which would be more troublesome than its worth, and that the collection of the tax should be made as simple as possible.

The tax on property gains its importance in gradually coming to occupy the most prominent place in the scheme of municipal taxation in India. The justification for it exists in the increase in the value of the property which comes about due to the amenities and services which the municipal authority provides and the safety and security that it affords. There is increasing government pressure on the local councils to enforce property taxation in their areas, though their recalcitrance remains conspicuously in evidence. The valuation of property and assessment of this tax are now subjects of complex technique, though in their elementary principles they include little scope for injudicious assessments or irregular omissions. The property tax is the one out of the whole range of municipal taxation which invites the maximum political controversy and on which public reacts more strongly than on the proposals of government grants or trading undertakings. While it forms the potential source of overcoming the financial handicaps from which the municipal authorities have hitherto suffered, it embodies certain inherent cardinal defects based on the geographical, class, and individual inequalities that it involves. The geographical inequalities of this tax are manifested in the varying rates of its incidence in different local areas, and also in the varying ratio it bears to the local

wealth of the areas. The disparities are further heightened when it is considered that it is precisely the poorest authorities that face the strongest demand for social services. The class inequalities on this tax are brought about by the fact that the workers, as against the rich, spend proportionately more of their income on rent, and hence are hit unfairly by a tax based not on the capacity to pay but on the ownership or occupation of property. A poorer man would pay, relatively to his capacity, much greater percentage of his income in the form of this tax than a rich man. The individuals also experience inequalities of the burden of this tax, in that they pay unequal amounts, even when they secure the benefit of municipal services to the same extent, depending on whether they live in high-rated or low-rated areas, or occupy large or small properties. These inequalities often contribute towards making the property tax unjust and obnoxious, and in any reorganisation of it the maximum levelling out of these inequalities should be aimed at by a system of compensating and differential grants to local authorities, by improved methods of valuation and assessment, and by rating on some such differential basis which may be favourable to the poorer sections of the community.

In the revenue sources other than the rates and taxes of the municipal authorities, the systems of grants-in-aid from the government and the loans raised by the authorities themselves are the most important. The system of grants has come to occupy

a very prominent place in the financial framework of the municipalities, particularly in the West where it has been gradually evolved into a scientific accomplishment. It bases itself on the recognition that administration of local authorities, especially in the spheres of social welfare, is the concern of the national government as much as that of the local areas. For attainment of certain specified minimum standards in these fields, the governments are under obligation to contribute to those local authorities who stand in need of such contributions. Where, this system helps the local areas in expanding their social services, it also comes to the assistance of necessitous areas which could not do without it. The primary aim of the system of grants, however, is not so much to provide relief in cases of necessity as to encourage and stimulate expenditure on beneficent activities. The extent of grants, in England, has increased so markedly in recent years that they collectively constitute about one-third of the total national municipal income. They supplement the resources of the local authorities which are generally inelastic and limited. Ordinarily they are assessed on the basis of percentage of the expenditure incurred by a local authority on any project or beneficent scheme, in which shape they are known as percentage grants. [These grants are generally intended to encourage extravagance in the local expenditure, in the hope that a specific percentage of the expenditure would be guaranteed as grant from the government.] Their

utility for recompensing and encouraging progressive local authorities in undertaking enterprising schemes of social reform is, however, indispensable. The recent tendency in the apportionment of grants to local authorities has been that of substitution of percentage grants by block grants, which are assessed on the basis of comprehensive needs of the authorities rather than on the basis of their expenditure on special projects. These block grants include certain percentage grants on measures adopted particularly for amelioration of tuberculosis, mental deficiency, venereal diseases, and for propagation of maternity and child welfare, as also compensation for de-rating operations. They are placed at the discretion of the local authorities for spreading over the measures of social activity in the way they like. They help the poor local areas, who labour under the double handicap of limited resources as well as the greatest need for services, in securing financial aid which may suffice in putting them at least in a position to afford the nationally agreed minimum standards of social services. The differential grants operate towards levelling the inequalities and disparity in wealth of local areas which come about due to their geographical locations and other circumstances.

The provision for raising loans places a lever in the hands of local authorities for securing funds in order to undertake capital works which it is not ordinarily possible to finance out of current revenues. The capital works, in their gradual expansion, are a

contribution to posterity even more than to contemporary life of the community, and their financing out of loans is based on the principle that where posterity stands to benefit by any permanent works of public welfare it must also substantially contribute towards their construction. This contribution is ensured by spreading the loan¹ repayment over a number of years in easy instalments. In India the facility which the system of loans affords to the local initiative for undertaking extensive public works has been apathetically neglected. The cause for this, while remaining that of general unreasoning hesitation of the elected representatives to burden the local finances, has also been to a large extent the absence of encouragement, and actual discouragement, from government. The local authorities have not been educated in the principles of raising loans. The local authorities of the Western countries have utilized this system to its full benefit. In fact the problem facing their countries is of excessive loans raised by them, which are taking away a large portion of their current revenues in the repayment of instalments and interest, while in India the problem remains as to how local initiative should be stimulated to resort to raising loans. The enormity of national figures of municipal loans in the Western countries would appear from the fact that the indebtedness of the municipal authorities of England alone amounts to over three thousand crore rupees, continuing still to pile up at the annual rate of about one

hundred crore rupees.' The total municipal indebtedness in India is only about one-sixtieth of this amount. These huge loan figures do not constitute any financial weakness of the municipalities but are actually indicative of their progressive outlook and financial strength. On the system of loans they base their progressive, expanding economy, and in the capital works constructed with their help the nation possesses its public assets. The procedure of raising loans in the Indian municipalities is itself a cause for discouragement to them, by its very cumbersomeness and the dilatoriness that it involves. Our municipalities are hardly ever encouraged to float loans in the open market and are almost invariably dependent on the provincial governments for this assistance. In petitioning for loans from the government they are required to comply with numerous formalities, indicating the purpose of the loan, whether it would be productive or non-productive, the fund on the security of which it would be raised, period for which it would be taken, the methods of its repayment within the specified period, and financial position of the municipality. They have to secure prior administrative approval and technical sanction of competent authorities and convey assurance of genuine necessity before their application can be entertained by the government. The proposals of loans are then published in government gazettes for inviting public objections, whereafter alone the sanction of legislature is obtained to the payment of the

loan. They remain dependent on the government for fixing the rate of interest, and for its alteration in accordance with the economic rate prevailing from time to time. The period of repayment of the loans is fixed by the government and is not ordinarily allowed to exceed thirty years. The expenditure of this loan is restricted to the purpose for which it was raised, and on any contravention of the conditions laid down by government they incur the latter's wrath in being called upon to make immediate repayment of the whole amount with interest, at the risk of attachment of their funds and properties.

The whole field of municipal finance in India, thus, is replete with out-moded principles of political economy, with stultifying checks, and with consequential discouragement. In the circumstances created by it, the municipalities could not but languish and degenerate. This state of affairs will be out of gear with the new outlook and the vast possibilities that the awakened civic consciousness will open up for beneficent public services. Mere tinkering with the familiar, raising small taxation here and improving evaluations and assessments there, will only be indicative of wrong appraisals of the modern political trends. In normal slow-moving times they may have given some satisfaction. The present post-war period is one of enormous transformations. The spirit of change stalks abroad, and reform must march with seven-leagued strides if it is to keep pace with the mood of the people. The practical proposals of the

normal times, which would be considered progressive would earn distinction now only as timid and reactionary. The plans for reorganisation must be bold in their conception and comprehensive in their sweep. The overhauling of municipal finance must take measure of this necessity.

The scope of municipal taxation must be enlarged and clearly demarcated to avoid its encroachment by provincial governments. Their sources must be statutorily guaranteed to the municipal authorities, which must not remain at the mercy of the government for devolution or for searching out of crumbs in the scrap-heap. Additional and enlarged sources of income must be given to them in the fields of taxation, including taxes on advertisements, on entertainment and betting, on circumstance, property and professions, transfer of immovable properties, marriages, adoptions and feasts, and surcharge on electrical consumption. These must be based on the canons of good taxation, that ability to pay rather than amount of benefit received should be the true criterion of allocating tax-burdens, and that unequal income or wealth which comes into existence as a result of operation of social forces should be diverted to the coffers of the community to be used for the benefit of all. The municipal tax system must be simplified to the maximum extent, with the number of taxes limited as far as possible. There must not be the pretence on fees for improvement of fir

must be restricted only for regulation of trades and callings and for specific services rendered. | The function of municipal budgeting must not merely be limited to exercises in arithmetic, balancing hand-to-mouth economy, but must comprise of long-term planning, going to the root of prosperity of individuals, relations of classes, and strength of the authorities. . There must be full play of democratic principles in assessments and expenditure, giving all the people an equal voice in the affairs of local government, irrespective of their contribution. | The poor must receive the benefit to the extent that the rich can afford.

1 In order to guarantee some specified minimum of public services, and till public consciousness is aroused to their need, the local authorities must be placed under a statutory obligation to enforce some specified taxation. This enforcement must not be suffered to wait upon their whims and predilections. | Taxes on property, with a specified minimum, should be made obligatory. The percentages of this tax calculated on the basis of annual value are noticeably low in the municipalities, wherever this tax is in force, as compared with the foreign countries. The obligatory minimum of this tax should, therefore, be placed sufficiently high, to avoid the difficulty which would come about in its increase subsequent to initial enforcement at a low percentage. The property taxes should be supplemented by trades and profession taxes. | The local authorities should be enabled to tax

increments in urban land values at a fairly high percentage. [This increase in values is created by the growth and extension of the civic amenities provided for the community and as such its benefit rightly belongs to the local authorities. For specific services, such as primary education, scavenging and water supply, there should be specific cesses, which too may be made obligatory. For special betterments, there may be betterment taxes, for street widening, street pavements, and provision of parks and recreation grounds. The system of grants-in-aid must be built upon the recognition of the principle that the provision of social services is as much a national concern as that of the local authorities.] In raising loans for comprehensive projects and capital works, the local authorities must be sedulously encouraged.

The rates and taxes are, by nature, impolitic and unsound systems of local taxation. It has been observed how octroi rates are based on wrong principles of democratic economy, hampering trade and placing their incidence on that mass of the community which is the least capable of shouldering its burden.

The property taxes, as evidenced, involve unjust inequalities, hitting the poor much more closely than the rich. These sources are, nevertheless, indispensable till our local councils come to believe in the efficacy of some alternative substitutes. The objective should be that these taxes should gradually be abolished, and replaced in the main by municipal

trading enterprises including the profit yielding public utility undertakings, and a system of scientifically adjusted grants. These may come in due course to be supplemented by local income tax, assessed and collected on behalf of the local authorities by the government, on the principle of adjusting the money needed for the services to the taxable income on which it could draw. The sums paid in the forms of local income tax would thus be set off against the reductions in rents which would come about upon the abolition of property tax. The class and individual inequalities of the property taxes would be obviated in the local income tax, which would tax the richest in proportion to their riches and lessen the burden on the poor, drawing less from the lower income groups and more from higher income groups and effecting the transference of financial burden from the former to the latter.

The process of reorganisation and the evolution of the sound expanding economy would necessitate tightening of the strings of efficiency which bind so loosely India's present local financial policy. In this process there may come about, in the transition period, higher figure of incidence and greater burden on the taxable capacity of the people, but against these will be the lesser incidence of ill health, lesser destitution and greater enlightenment and comfort. The local authorities will have then performed their true function of turning out better physiques, sounder minds, and all-round prosperity.)

CHAPTER XI

CITY PLANNING

Architecture is music in space, as it were a frozen music.
SCHELLING.

The present legacy of the Indian cities is symbolic of *laissez faire* run riot. They blatantly exhibit the consequences of unplanned, uncontrolled, haphazard development. They inherit dehumanising slums, congested habitations, diminishing thoroughfares, and ugly environments. The absence of planning in them has led only to confusion and incongruity, besides insanitation.

The municipal effort in the direction of control over buildings has been merely a half-hearted enforcement of the building bye-laws framed on model bye-laws circulated by the provincial governments. These come to be adopted with great hesitancy, and after extensive alterations to suit local conditions. The other municipal provisions for fighting the scourge of slums comprise only of the enabling authority to declare a building to be unfit for human habitation, and another which enjoins notice from any person constructing a building or laying out a street. These provisions too are respected more in their breach than enforcement. Hardly ever have the local authorities concerned themselves with town-planning. Their planning effort has obtained its

limit only in the fragmentary lay-outs of streets in newly developing areas, without any attempt at correlation of the whole in the larger pattern of the city. These lay-outs are handled as a statutory formality and suffered to be departed from with impunity.

The municipal control has tended more to be of the negative variety, operating as regulative and restrictive control, rather than canalising itself into positive and constructive planning. The utmost that the local authorities have concerned themselves with is the effort at mitigating the evils of a bad job, instead of laying the foundations of a new one. The initiative in them has never been inspired or encouraged, either by furnishing expert advice or promising financial assistance. They have never been urged to look out of their shells, of the activity of planning that restricts and controls, to the planning that performs.

It is disheartening to feel that even at the present stage of development of the world thought, the importance and true function of the town to the individual and social life continues to be apathetically ignored in India. Its collective utility for living is not emphasised. It is not realised that while constituting a utility for collective living for a good social life, it is also a utility for a happy and healthy individual life.

The prime social idea behind the town is the satisfaction of the needs of the individual within the

framework of the community. There is, thus, in the town, a collective as well as individual living; relationship of people to one another and to the social institution. The town must provide for the needs of the individual as well as collective needs of the community. To the individual it must ensure healthy and pleasant conditions in and around his individual home. His needs would also include facilities for education, recreation, pleasure, and social intercourse outside the home. These facilities must come his way in relation to the particular spot where he lives, and they must be accessible to him without waste of time, energy or money. His work place must be near his home, yet not so near that it may render the environments of the home unhealthy or unsightly. The collective needs of the community are something more than the collective needs of the individuals composing it. The town must create such conditions that it may assist in breaking down the barriers between classes, and in promoting free social intercourse. It must be pleasant to look at, architecturally and visually satisfying. Order and seemliness, even beauty itself, should be its inalienable constituents, as much as health and convenience and mere organisational functionalism.

These call for long distance planning, prevision, and rigid formulation. Cities take decades to grow. They would take years to correct the mistakes of the unplanned past. In planning now our objective must not be limited to the contemporary needs or be

guided by the demands arising out of present conditions. This planning must embrace in its sweep the conditions that will obtain fifty or more years hence. Inadequate planning will only be responsible for repetition of the present conditions and retrogression in coming years. It will start with the handicap of ineffectiveness. We are passing through a period of accelerated growth of the towns. The urban amenities and economic facilities are tempting the country dwellers to flock to the towns. The war has provided the money for renewed building activity, and towns are already heading on towards making up for the suspended building activity of the war years. This speed of development of the towns should not be an excuse for lethargy, but it should be the spur for the opportunity. The slow growth of a town renders it difficult to get order and organisation and architectural cohesion in it. Where only a house or a tenement or an office is added here and there at long intervals spread over the course of a century, it is not possible to guarantee planned development. But when large quarters of a town are springing up simultaneously, it affords a splendid opportunity to avoid corrupted and brutalised development. It is not too late even now to retrieve from our position. The opportunity will not, however, last for long; and if once lost, the future generations will have cause to despise us much as we despise the generations which failed in controlling the development when it first gained pace. We, in this generation, are favoured

with this opportunity. If we set ourselves to seize it, to snatch from it the chance of an unsparing effort, then we may build towns that will be worthy of us, that will have beauty and order, and facilities for living a richer, more healthy, physical and social life.

Town planning and housing are the two services of paramount importance, both inter-allied, which have, in recent years, come to be accepted as the vital concern of local government. They were previously left to individual will and diversified effort. The planning of future development of areas, rural as well as urban, has now come to be established as a communal responsibility, and it is felt that in the interests of the community the restriction of private enterprise is inescapable and justified. It is this exercise of the private use of the land which town planning controls. The ownership of land is now in different category to the ownership of private or personal property, and it is no longer possible for an owner of land to claim to do what he likes with it regardless of the interests of the adjoining owners or the rights of the public. This ownership of land involves duties as well as privileges, to an extent that private property does not. In the improprieties committed by the people in development of land in causing the haphazard growth of towns, the owners have manifested a spirit of license rather than true liberty. Liberty is not inconsistent with discipline, and this discipline should be open to enforcement as much in the disorderly conditions of civic growth as

in the disorderly conduct of individuals. Property was made for man and not man for property. Where the general public good, the interests of the community, are jeopardised by the disorderly exercise of the privileges by the owner of property, his personal interests must be subordinated. The personal welfare of the masses must prevail over the financial considerations of the few. The concept of freedom of ownership of land requires to be modified. Individuals are prone to think of their own affairs first and consequently fail to appreciate the benefits of harmonising their interests with the interests of the community. With unfettered play of their individual freedom in the use of their property, there is too often an utter failure of effective co-operation in community action. This new concept involves the fundamental principle of the planned use of the land. The objective set for this planned use is to secure the utilisation of the entire land of the country to the best national advantage.

The planning needed is of the bold and comprehensive variety. Even at the risk of the plan being called visionary and unpractical, the attempt should be bold in its imagination and comprehension. The attempted solutions must not be piecemeal, nor should the effort be open to the charge of half-hearted tinkering with parts. Partial solutions generate as many problems as they cure. In planning the future of a city it is indispensable to comprehend the city itself as part of a big whole, the constituent of a

larger pattern, and not a self-determining entity. This planning must not be limited to local conditions only, nor must it be limited to individual local problems. Just as it is ineffective to take up the traffic problem of a city, or its slum clearance problem, or other such social ailments, in isolation, similarly it is impolitic to take up individual local areas divorced of their national basis or regardless of the wider national pattern. To evolve a reorganised pattern, the planning must originate simultaneously from the top as well as from the bottom. While, thus, the restricted local area, a residential unit, or a neighbourhood unit, is being planned, the pattern of the city, of which they form constituent parts, must be visualised as fitting into the larger pattern of the regional plan and ultimately of the national plan.

Planning of a city or town ordinarily restricts itself to an area within the boundaries of a municipal limit. In very many cases the units would be large and almost self-contained urban areas, which enable effective plans for them being made. But there would be many metropolitan, industrial or agricultural regions in which groups of adjacent municipal units form one large community or a closely related family of communities, and for these regions the master plans of individual towns or cities prepared in detached isolation may only lead to further confusion which they seek to avoid. For such regions there will need to be regional plans, recognising the common regional problems and common economic and

social purposes which should be considered in their totality. These regional plans will extend into other municipal boundaries and disregard arbitrary municipal limits, and yet they would serve as the framework and guide for individual town planning, and not a substitute for it. These regional plans would be followed up by more detailed planning of each municipal limit, the latter in their turn correlating the still more detailed planning of each building area, residential unit or neighbourhood unit. These would be based on comprehensive regional and civic surveys, entailing investigation of the physical, social and economic problems of the regions and the local development areas. With the ultimate pattern being thus visualised in advance, there would not be a brick laid, nor any concrete poured, which would not fit into the general scheme.

Town planning, in general terms, is the organised provision of health, safety, amenity, order, and convenience to the multitudes, regardless of their status in life or the location of their habitations in the town, and generally the promotion of human welfare. It aims at establishing good conditions in our homes and places of work, convenient transport between them, and good accommodation for education, for health services, and our leisure occupations and entertainments. It concerns itself with complicated adjustment of transport routes, open spaces, and city blocks, and with zones for administrative, residential, industrial, or recreational areas ; but in its objectives

it is much more than this elaborate and technical game of chess in which purposeless and inanimate pieces are seemingly moved about. Every move in this planning effort is to be reckoned in terms of its human values, its utility for adding to the public convenience and happiness. Its concern, in generalised abstraction, is with the men at home, at work, and at play. This would be appreciated when it is recognised that the city is not merely a piece of land with bricks and mortar on it, or roads and all the other paraphernalia of a city ; that it is made up of the people living in it, working in it and playing out their lives. Their homes, factories, and parks, in which they live, work, and play, are the determinants of the collective utility which the city comprises. It is with the establishment of these places of domestic cheer, of pursuit of professions, and of utilisation of leisure, and their relations *inter se*, that town planning is primarily concerned. It aims at guaranteeing sufficiency of sunshine and fresh air in every street, in every house, and in every room of each house.

Its plan for the home aims at harmonious modulation of in-door space and out-door space; space for relaxation and conversation ; space for solitude as for sociality ; space for storage ; and space for living. In the home there must be space and there must be privacy. Space must be beautiful besides being functional. It feels static when entirely enclosed ; its beauty lies in its proportion. To be dynamic it

must be only partially enclosed by walls, for then there is a sense of flow, of movement. Its beauty depends on the smoothness of the flow and the relationship of the spaces connected. In planning for the home, we incidentally plan for the health and for the child. Health means more than not being ill. It means being glad to be alive. It means also growing up to a state of maximum development. In planning for the child of today we plan for the adult of tomorrow. Every handicap the children now suffer from is a handicap to future civilisation. Planning for the child signifies the laying of foundations of this future civilisation. Planning for work has essentially to keep in view the demands for work of the population. Irrespective of the loungers and the unemployed, the whole city is at work for the planners; the children at school, the men in offices, the workers in transport and industry, and often forgotten but numerically as large a class as any, the housewives at home. The planning in relation to work is simply the adjustment of the building sites and open spaces and roads in such manner that whatever work the people are engaged in they will have the best possible physical conditions to perform it. The work at home would be efficiently and happily done only when there is good light and air in each room and when the building is congenial and of the right size for the family. The housewife is at work also when she goes shopping. The shops, for her, must be near the home, near each other, and

well served by transport. Homes and work places have, thus, to be planned in relation to each other. The ideal solution for people to live in is within reasonable distance of their work without yet being too near.

Town planning embodies the collective life-wish. It signifies an effort to give, in place of the old jumble of courtyards and streets and competing façades, a satisfying order and efficiency, beauty and spaciousness. It is based on the principles of clear separation between different parts of a town with different functions; a clear separation between different kinds of traffic and unobstructed routes for fast and through traffic; avoidance of narrow and corridor streets lined with buildings; easy access to the surrounding country and green belt unspoilt by suburban ribbon development; and the infiltration, right into the heart of the city, of continuous parks and open spaces. While dealing with the multitudes of people in public streets, on the basis of these principles, it does not lose sight of the intimate family circle at home. It concerns itself with the individual and his home also, his daily life of work, amusement, and general welfare, and his social circle. Our cities must restore the full, coherent, and varied social life, the social human scale, which has foundered in the enormity and formlessness of the megapolis. The social health itself has suffered terribly. The social wellbeing of any community requires the co-operative interest, the mutual respect, and under-

standing of various classes of citizens of that community. These are best stimulated by close association of the various classes. The present trends of city growth lead to physical segregation of the various classes, placing them in separate compartments with social barriers in between, much like the electrically-charged barbed wires of concentration camps. There are whole areas devoted entirely to one particular wage-earning group of the population, encouraged by the prescription of density zones, *abadi* areas and bungalow areas. This leads only to class snobbery and class segregation, with deplorable social consequences, and further hardening and stiffening of social difficulties. Removal of these physical barriers does not necessarily mean a classless society. Class distinctions and small-scale segregation of housing will continue. There will always be streets of smaller houses, and streets of bigger houses. It is segregation into quarters, into whole towns and suburbs, that planning must remove. It is these stupid erections of physical barriers between classes that it must effectively check. Thus will it serve as a measure for restoration of social health.

All these principles find comparatively easy application in newly developing cities. The effort seeks to eliminate from municipal administration the haphazard, makeshift, hand-to-mouth, snap-judgment methods which have so freely characterised it in the past, replacing these by carefully thought out plans and prevision. Once when the mischief is done, with

unplanned and uncontrolled development, bringing about a hotch-potch of functionalism, narrow zigzag streets lined with unhygienic and unsightly buildings, and complete absence of recreational facilities in open spaces, it becomes extremely difficult to apply even the more formal of these principles. The task of the planner is then greatly hampered, by the necessity of conforming to the established conditions. His effort is rendered largely a compromise, a giving in to the circumstances that are beyond his powers to alter. In its beginnings, and very often even now, the city planning movement has been concerned with the remodelling of existing cities and towns, attempting to bring whatever order it is possible out of chaos. Established usages, enormity of expense, and the risk of contemporary unpopularity, in such circumstances, discourage any improvement schemes either in the way of slum clearance or street-widening or park designing, and accordingly the transformation wherever it has been brought about by the Town Improvement Trusts has been generally imperceptible. These established cities stand in need of drastic surgery, of extensive demolitions and rebuilding. It is for these cities that town planning constitutes the correcting hindsight, while in its positive, regulative function it constitutes mainly the organised foresight.

Planning is customarily associated with the achievement of a specified objective in a stated and limited period. This period planning furnishes the desired incentive to attain completion of the work

within the specified period. It enables the concentration of all sources and energies, the direction of the enthusiasm and determination to the achievement of the goal. It is not possible, moreover, to build or rebuild a city overnight. The work must proceed stage by stage. This furnishes the opportunity for fixing priorities in the building programme, placing first things first, which is the essence of period planning. Each comprehensive plan is thus divided into a succession of periods. The stages present concrete, objective formulæ of the contemplated reorganization, which catches the imagination of the masses and evokes their enthusiasm.

Town planning legislation has, by a series of spurts of reformist zeal, developed into a confused mass of miscellaneous acts which treat with different aspects of what is essentially a single activity. It is essential that this confused mass of legislation and procedure should secure drastic simplification, to meet the needs of the accelerated building activity of the community. It has been suggested that all building legislation should be renewed in the form of only three codes, which should cover the whole field and from which there should be no exemptions. These codes should be : the Code of Living, dealing with planning for human needs and setting out the objectives at which planning should aim ; the Code of Building, dealing with structural standards and technical methods ; and the Financial Code, dealing with the financial provision necessary for giving

effect to the Code of Living and the Code of Building. The scope of the Code of Living should begin inside the home, with standards of convenience for the housewife, and space and comfort for the family. It should then cover the town, city, or region, providing for acreage of green space in proportion to the ground built over ; allocation of shops, public buildings and places of entertainment per 1000 of the population ; respective distances from schools, shops and places of work ; desirable frequency of transport and availability of utilities such as water, light, electricity and drainage, and provision of health services. These amenity standards of the Code of Living may well remain advisory, in order to furnish the incentive to local authorities to attain the maximum standards possible ; but the health and safety provisions, including the attainment of minimum specified standards of public health and public safety, must be made statutory. The Code of Building should embody statutory specifications of the standards of stability and design, and methods, details and materials of construction. This Code should be based on extensive scientific research into the problems of building in the various parts of the country, taking into consideration the geographical factors, habits of the people, layouts of the building areas, and the financial capacity of the prospective builders. The Financial Code should collate the legislation relating to acquisition, compensation, arbitration, betterment values, floating values, and shifting values.

It should simplify the procedure of acquisition of land by the local authorities and at the same time render the right and obligations of ownership of land more intelligible to the owners.

The problems of payment of compensation and recovery of betterment in respect of public control of the use of land have for long exercised the minds who seek to enforce town planning as an effective national service. The problem arises from the existing legal position as to the use of land, which attempts to preserve, in a highly developed economy, the purely individualistic approach to land ownership. Such conception of the unfettered use of the land is no longer tenable in the present stage of development and it prevents the proper and effective utilisation of the available land in the interests of the community as a whole. Under a system of well conceived planning, the allocation of land for the various requirements must proceed on the basis of selecting the most suitable land for the particular purpose irrespective of the existing values which may attach to individual parcels of land. There may be areas of high building value, but if it is not in the national interest to allow building operations on them either for retaining them as open parks, thoroughfares, or beauty spots, the legislation should facilitate the sterilisation from building of all such land. The present planning legislation renders this practically impossible, because of the liability placed on the planning authority to compensate all the

land-owners for deprivation of the development value of their land. It is not widely recognised that the potential development value created by the expectation of future development is spread over far more extensive areas than are actually likely to be developed, and that wisely imposed planning control does not diminish the total sum of land values but merely redistributes them by increasing the value of some land and decreasing the value of other land. These principles of "floating value" and "shifting value" are of prime importance in determining the compensation which is justifiably payable to the owner, both in respect of restrictions on the use of land and also in respect of its acquisition. The assessment of these values prevents the payment of compensation in excess of the total loss, or for land values which are not destroyed.

Potential development value of any land is necessarily a "floating value", remaining primarily speculative in character. The development of all potential building areas does not take place simultaneously, whereas the claim of the owners is based on the speculation of this simultaneous development. It remains impossible to predict with certainty as to where the "float" will settle. When a piece of undeveloped land is compulsorily acquired, or development upon it is prohibited, the owner receives compensation for the loss of the value of a probability of the floating demand settling upon his piece of land. This leads to over-valuation. The figures

resultant upon this over-valuation discourage the planning authorities in incurring these indefinite financial liabilities in the matter of compensation, either upon compulsory acquisition or forbidding development, and this constitutes the greatest obstacle to really effective planning. The shift in values is caused by the action of planning authority in taking over some land for development or in restricting building over an undeveloped land, for the value which formerly attached to this land is transferred and becomes attached to the other land whose owners enjoy a corresponding gain by reason of the increased chance of earlier utilisation of their land for development. The value of the land as a whole is not thus destroyed but a readjustment of values takes place due to the action of the planning authority.

These, in brief, are the factors which are the determinants of the compensation and betterment, the rightful assessments of which have hitherto handicapped planning. The planning authorities have concerned themselves with assessing compensation for the development values which are not in fact destroyed but which only shift to other lands. The betterment which comes about by the action of the planning authority in the adjacent lands increases their values to an aggregate extent which far exceeds the loss to the owner of the land controlled, and judicious adjustment of the betterment and compensation should avoid any net loss to the planning authority. In the developed areas, however, such

action by the planning authority imposes a heavy financial burden, for the values of land and buildings in the congested areas, where rebuilding is all the more urgently called for, are very high.

During the course of many years of evolution of the planning legislation, private ownership of land and buildings has been increasingly hedged round with restrictions, without the payment of any compensation. The maintaining or improving sanitary equipment, for instance, or observing certain standards of construction, restricting the built-up area in proportion to the unbuilt area, or providing adequate width, have all involved restrictions on the full use of property, and no compensation has ever been assessed for these restrictions. The argument advanced for the uncompensated restrictions is that compliance with certain requirements is essential in the interests of the community and accordingly the private owner should be under obligation to comply with them even at some cost to himself. The question, however, arises as to what should be the limit of such restrictions which may reasonably be imposed on private ownership, in the larger interests of the community, without any compensation. This limit has continued to be progressively pushed further on, causing the addition of requirements considered to be essential to the wellbeing of the community. These requirements were previously limited to the fields of health and safety alone, but they have gradually encroached on the fields of convenience

and amenity also. A certain measure of these requirements would unquestionably be acceptable to individual land owners without any suggestion of hardship or giving rise to any just claim for compensation. There is justification for these on the principle that by the exercise of individual ownership, other persons should not be injured in the legitimate enjoyment of their own rights, that each individual must live and let live, but when these restrictions reach a limit where they are tantamount to deprivation of the proprietary interest in the land, the landowner will claim to be entitled to compensation.

The solution of the compensation-betterment difficulty would obviously lie in some measure of unification of existing rights in all land. This unification can rightfully come about only under the ægis of the state. One way of achieving this is the acquisition of proprietary ownership of the total national land to national ownership. Such nationalisation would undoubtedly be the remedy of all ills, but it would appear at this stage to be beyond the range of practical politics. It is a measure which arouses the keenest political controversy, and it calls for more than a mere rearrangement of prejudices. It would, moreover, involve such enormous financial operations and the establishment of complicated administrative machinery, that it may well earn distinction only as a visionary ideal. The next best that can be done is the acquisition, by the state, of the development rights of all undeveloped land. The

rights of development of the undeveloped land, particularly lying outside built-up areas, which vest in private owners, should be acquired by the state on payment of fair compensation. This acquisition will be facilitated by the imposition of a prohibition against development by individual owners without sanction of the state, and while the owners' interest under such prohibition would still vest in the owners, entitling them to retain possession and all other powers of ownership, use and disposal, the development rights will come to vest in the state. Where any land is required by the state for public purposes or approved private development, it will be possible for the state to compulsorily acquire the owner's interest as well. By the imposition of such prohibition against all development of undeveloped lands outside the existing towns, thus, the state would put the seal on unplanned development, and at the same time acquire the development rights at a minor cost. In developed areas, piecemeal transfer of urban land to public ownership, as and when required for planning or other public purposes, would be less cumbersome and less onerous a task than that involved in wholesale nationalisation. For these areas the planning authorities must be given the powers of purchase, much wider and simpler than those in operation under existing legislation. In order to equip them with adequate finances for launching on the programme of extensive rebuilding, they should be authorised to impose a periodic levy on the increase in annual

site value which comes about as a direct consequence of the betterment effected by them.

Architectural design in town planning is another consideration of paramount importance which has increasingly been associated with the efforts of the planners during the recent years. The ultimate aim of all town-planning being the health, safety, convenience and amenity of the town-dwellers, the measures taken must produce a harmonious orderliness out of the existing formlessness. It is not that planning should involve theatricality or display, or evince love of show-piece and spectacle. It is not the counterplay of high light and deep shadow that is wanted in organised planning, but the assurance of continuity of a steady gleam. It is neither the prison nor the palace which the planned use of land will aim at, but its objective will be instead to set up a decent, comfortable home. In the control over wild and individualistic buildings there would be that well mannered respect for the neighbours and the ultimate modulation of mass and surface which would make the towns things of joy and beauty, happy essays in creation. The beauty of the town does not lie in the absence of squalor of slums, nor does a generous scattering of open spaces alone achieve it. The city is made up of its constituent buildings, and it is planned civic architecture which determines their beauty and orderliness. Their beauty alone is not enough, for even if a building is superbly beautiful as a single piece of art but is not orderly, that is,

fails to fit into the general scheme of things, into its square or the street, it is merely a product of bad civic architecture. Nor is orderliness alone enough, for it may degenerate a whole street into either a flashy vulgar job or a painfully dull one, failing to evoke anything but disgust and indifference.

Order and beauty, besides efficiency, must both be indivisible parts of the whole architectural effect of the town. It is easier to achieve order than beauty. Buildings which may not stand out individually as creations of beauty, may yet be improved in appearance if their arrangement in the street is orderly, this orderliness being further supplemented and emphasized by colour and relief of open space and planting. It may not be practicable to guarantee the beauty of every street and square of the town, but the rigid observance of architectural rules can certainly make them orderly. The generations that have gone before created the masterpieces of architecture by the observance of such self-imposed rules.

These self-imposed rules are the expression of the culture and civic sense of the civilized people. The recent building operations are sadly devoid of any such coherent or architectural treatment, and are instead a manifestation of disorganised and individualistic license. It is the buildings themselves that make or mar the final result of town planning. It is the relationship of the buildings to one another, the modulation of spaces between them, which is of prime importance in the total effect.

A single house badly planned affects its occupier; its ugly externals disturb a few neighbours. Badly grouped houses may affect many by ruining a landscape. The æsthetic motive must be invoked for softening and humanisation of the bald, economic utility of the town. This æsthetic effect does not contain itself in showpieces, personal monuments, or glamorous glorifications, but in an all-round mellow pleasantness. Monumentality or grandeur emphasise a kind of beauty which, though immediately stimulating in its awe and nobility, is nevertheless difficult to live with. This kind of beauty is too impersonal, too detached from human relationships, to maintain a cherished and enduring appeal. It can be also of a kind that in the long run is disturbing rather comforting to the human spirit. The beauty that the city-planner should seek is the one of the more intimate order that throws grace and serenity over vastness, that brings the might and mystery of the world within easier human comprehension, that is a comfort and solace to the perplexed human spirit. In bringing the constituents into a satisfying human relationship it must lead to a sense of friendliness and a calm sociality. As against the unthinking intoxication of an occasional burst of wild extravagance, it is the quality of domestic virtue that the town must imbibe. The town must be a worthy setting for human lives; a home where order and beauty in good measure facilitate the achievement of human happiness.

Buildings of the street must be judged as mere units in the architectural composition of that street, or at least of such part of it as is visible at one time to a person passing along it. Buildings have to be judged in their relationship to one another, and at the same time in their relationship to the open spaces between them, for much like the interplay of solids and voids of the walls and windows in the buildings themselves, there is interplay between the solids of the building blocks and the open spaces in between. Each street should, thus, be visualised as a single pictorial composition, and for it to be a successful picture with its distinctive individuality, it must have planned composition, unity, and balance. It must be the antithesis of uniformity of dull standardisation. Shorn of the dull monotony of the facades, even continuous streets can be architecturally satisfying, in fact more so than the streets of detached or semi-detached houses. In avoiding standardisation, the swing to the other extreme of individualistic tendencies for the infinitude will only engender disorder and disharmony. The present-day layouts, with standardised bye-law prescribed streets of specified minimum widths, uniform building lines, minimum width between houses, and space around buildings, lead only to dull monotony. The strain after excessive individualism no doubt becomes the expression of an ugly pettiness. Yet we must avoid monotony, meanness, standardisation, and dullness. Variety and design are necessary, but the

variety must be between street and street, and not, except by the subtle architectural finesse, between the component buildings of the same street.

Every street must constitute in itself a composed unity of architectural design, a single entity formed with the most deliberate pictorial effect. Like the inter-relationships of the houses forming components of a street, each street must stand in palpable relationship with the neighbouring streets, either for the purposes of concord or contrast. This designed relationship will embody true variety, and a town would be the total effect of a series of contrasting compositions, a continuous succession of varying street pictures. The varieties in streets could be achieved by varying the widths or on the score of functions or by planting and arranging the spacing of trees. In this way would be achieved the pictorial variety shorn of all sense of restlessness, the desired contrast with the avoidance of disorder. Monotony, engendered by the prolonged repetition of the same unit of design, could be avoided by avoiding the laying out of long streets, except where the longer streets could be provided with relieving features of monumental effect. In laying out the street pattern our vision must not be limited to the paper, two-dimensional pattern, to the attainment of geometrical shapes or flat symmetrical compositions. True planning is three-dimensional. While the ground plan is the determining factor of the ultimate design, it is itself entirely dependent

on what is put on it. In assessing these shapes laid over the ground plan, it is not so much the bird's eye-view from above that matters, but the man's eye-view from the street, the pictorial effect of the sky-line of his visibility. This sky-line must be saved from dead level or monotonous roof-line. Diversification of the sky-line should be deliberately planned and systematised.

The physical order and seemliness of a town is of indispensable importance to civilisation. An architecturally ordered town is the symbol of an ordered and disciplined society; it is the material embodiment of the very fact of communal association. As such it is continual inspiration to further co-operation. A disordered town, on the other hand, is an obstacle to the development of civic idea or collective spirit. The widely individualistic and unsocial material forms of the components of the streets and towns thwart the growth of the neighbourhood consciousness, particularly among the children who are born and reared in such environments. The satisfactory functionalism of the town, the technical perfection, for instance, of the sewerage system or its water-supply, remains more a matter of indifference to the average citizen. These services arouse no response in the soul. Education, libraries, hospital services, and traffic organisation, may excite the interest to a greater degree, but even in these the recognition of the functional perfection makes only a dull kind of impact on the soul. Here organisa-

tional planning carries no very deep appeal. The citizen cannot see it vividly. The things that are open to his vision affect him mightily, particularly if they are disorderly or grotesquely designed. This is why the visible order in the material aspect of the town is of such extreme importance.

Here then is the picture of the town that lies within us to build. Town, and streets, and houses, planned for sunshine and fresh air. Functionally perfect in the provision of health and safety services, amenity and convenience standards, and at the same time satisfyingly pleasant objects to look at. The comfort of the inhabitants, and the pride of the planners and the builders. Streets of serene houses, with an occasional historical monument or tower lifting into the air. Open spaces of green grass and the public and private gardens interspersed in the streets to emphasize their urbanity and coherence by contrast. A pleasant, harmonious combination of concentration and openness. Towns of a new pattern, bright and healthy, comforting in their amenities and cheerful in their orderliness. There are no technical difficulties in the way of our building them. In fact there is nothing to prevent us from achieving these, except ourselves. The thing is there for us to do if we will. We can continue to live in the dehumanising slums, deprived of light and enveloped in the evils of darkness; or we can raise for ourselves the proud symbols of civilization and culture. The choice is entirely our own.

CHAPTER XII

PLANNING AND HOUSING

We require from buildings, as from men, two kinds of goodness: first, the doing their practical duty well; then that they be graceful and pleasing in doing it; which last is itself another form of duty,

—RUSKIN.

City planning is as old as civilization. Its manifestations may claim modernism in development, consequent upon the vast multiplicity of social needs and upon the scientific progress in providing for them, but in its fundamentals it has its roots in the remote past. It is not a recent innovation, nor a modern cure for a modern evil. The ill-effects of urban concentrations have been the close concern of the ancient administrations as much as they are of those of the present day; it is only that they now secure a greater analytic scrutiny and are aggravated by industrial progress. The present era of accelerated transport imposes a heavy strain on the urban resources and makes unprecedented demands. The modern technology furnishes opportunities for social amenities which were previously not conceived. The present aroused civic consciousness demands higher standards of public utilities and conveniences.

The civilizations of ancient India, Egypt and Greece are replete with glorious examples of perfected technique of town planning. Mohenjodaro

in Sindh, Harappa in the Punjab, and Patliputra, the ancient capital of the Maurya Empire, embody in them the buried labours of deliberate planning. Some five thousand years ago the builders of the Illahun Pyramid in Egypt laid out a town for the housing of the workmen and administrators. The Grecians practised this science and laid out many towns for the settlement of discharged soldiers and for the emigration of surplus population. The Roman Empire worked on its principles in founding the cities of its colonies. The ancient cities of Athens, Babylon and Jerusalem gloried in their designed urbanity. The ancient scriptures, the Vedic treatises in India, contain injunctions of the town planning and building laws and regulations. They enjoined the laying out of broad, straight streets, reinforced with burnt bricks, providing access to houses which were built around small courtyards. In all the structures along a street the number of storeys was generally prescribed to be the same. A definite regulation existed for securing open spaces around buildings. Footpaths for pedestrians were designed. The houses all faced the royal roads, with narrow passages at the back for cleansing nightsoil. Sanitation was of the high order ; streets were drained with covered sewers led into covered soak-pits at intervals. The city services were well organised and planned, and no distinction came about between poorer streets and richer streets.

The military necessity of safeguarding against

external attack was an important guiding and controlling factor in the general design of ancient cities. In the degree of their fortifications and in the consequent smallness of their size, they had the characteristics of great castles. The necessity of military security led to the enclosure of cities within huge city-walls. Within these city-walls the inhabitants, displaying natural reluctance to build outside the defences, crowded their houses more and more closely together as the population increased; the streets in course of time became narrower and more irregular, not only on account of the overcrowding, but also because they offered a greater resistance to attacks. Another feature common to these ancient cities was the limited means of communications. Long distance travelling was over water. Cities were, thus, sited close to estuaries or situated in valleys of navigable rivers. The vicinity of rivers came about also due to the demands of sanitation, in aiming at accessibility to flowing water. The road communication was undeveloped, and this, coupled with the needs of security, influenced the selection of sites and the size of cities. These conditions as well as the varying character of the rulers and the social habits and religion of the people of different periods, were the leading influences in early city building and architecture. The Europe of medieval times saw decay in the standards of city building. The civic ardour that existed in the times of ancient Greeks and Romans degenerated. According as the reasons of

military security gradually disappeared, the lords who were masters of territory and political power settled themselves in country mansions and abandoned the towns to the inferior populations. The craftsmen and architects of the Middle Ages, however, did raise remarkable works of art in the form of religious edifices and other public buildings. In India the ascendancy of Moghul Empire revived the interest in building arts, and the founding of cities became the favourite hobby of the rulers. The Fatehpur Sikri of Emperor Akbar, the Jaunpur of Khawaja Jahan, and the Jaipur of Raja Jai Singh, are examples of these new towns which embodied many of the principles of modern town planning. In the renaissance period in Europe and the corresponding period in India there was the tendency to emphasize beauty and order in the public place and public buildings, disregarding of its necessity in the social well-being. Artistically the cities of these periods revealed the spirit of the rulers rather than of the people. There was undoubtedly dignity and order in public buildings, but their social structure as revealed in housing conditions of the common people lacked design and stability.

The industrial revolution in Europe brought about vast transformations. This was the age of invention, of the development of technology in relation to the production of power ; the age of steam and electric trains and the precursor of motor vehicle and the aeroplane. There was vast and unprecedented-

ed industrial growth and concentration of factories near the centres of transportation. Society was in the throes of a new birth, and of the confusion that is the concomitant of all revolutionary changes. The speed of transformation disabled timely readjustments. The restriction of the size of cities on reasons of defence was no longer necessary. The economic factors were favourable to expansion. The individuals exercised greater freedom with the greater extension of democratic government. In the exercise of this individual freedom the interests of the community were disregarded, and the economic motive prevailed. The squalor of slums, overcrowding, and disease were the direct consequences of this self-interest. The human being was exploited to feed the machine. India, during this period, passed through the aftermath of the breaking-up of the Moghul Empire and the struggles of various rulers to establish independent kingdoms. In these troubled times, of the gradual ascendancy of the commercial territorial acquisitions of the East India Company, there was no incentive for founding or rearing of cities. In the attempt at establishing stability of government the problem of organised growth of cities fell mainly into the background, and wherever any sporadic interest was evinced it derived its inspiration from western principles which failed to evoke enthusiasm.

In a retrospective study of the art of town planning through the various past ages, thus, we aim at

an understanding of the realities that lie behind assessment of transient as distinguished from enduring results. This study furnishes guidance in the modern practice of town planning. The data of the past is significant in its contribution to the true understanding of what has been achieved by civic art in promoting human welfare. This data leaves two general impressions. One is that the modern problems of congestion, of haphazard spreading out of the towns, of excess of building bulk in relation to the street-width, of blighted areas and defective housing of the common people, had their counterpart in some form in all ages. The second, which in fact distinguishes the present century from all those that have gone before, is the general indifference in all past ages to the needs of the common man. Every previous period of civilization, no matter what its standards of the development of civic art, reveals this fundamental weakness in failing to do things which give endurance to the social structure of society. In some periods there was the extravagance in public buildings at the cost of human welfare, and in others parsimony in civic improvements in the interest of private gain. In no period previously, excepting perhaps in remote history, has the art of city building been directed to raise the quality and environment of the habitations of the body of citizens. There were civic adornments and also occasionally attempts at good hygiene and sanitation, but the civic ardour mostly limited itself to

monumental architecture. The common man was left to his own resources in the squalor of the slums. It is this common man who is now coming into his own in the present century, and who now effectively expresses his unwillingness to submit to indifference or unconcern.

The earliest town plans followed the pattern of military camps inside walled fortresses. They were based on the simplest pattern obtained by the intersection of straight lines at right angles, forming rectangles and squares interspersed by the lines themselves. These lines constituted the avenues and streets, and they gave shape to the building blocks or open spaces contained within their intersections. Some of these housed the administrative buildings and the others the temples and the others public places, while the majority of them were prescribed for residential buildings. This simple pattern of the town was the genesis of what is now termed the grid-iron scheme of the street layout which is characteristic of so many modern cities. In this scheme, barring a few spaces specifically reserved for parks or public buildings, the rest of the tract is laid out in checkboard fashion with arterial thoroughfares and cross-streets intersecting at regular intervals. Besides its simplicity of the design, this plan gains popularity also because of the fact that it coincides with the interest of the real estates promoter. It is economical in the amount of land which the owner is obliged to dedicate to public

use. thereby leaving the maximum amount of ground for private sale. With a straight grid-iron lay-out, nearly seventy-five percent of each subdivision is estimated to remain available for sale in the form of building plots to private builders. The lots, moreover, are of standard size and shape, and easily lend themselves to calculation of the area. This lay-out scheme, nevertheless, comes in for a degree of criticism on the score of its seemingly drab, dull symmetrical subdivisions and streets, monotonously spaced and parcelled out. It is argued that it lacks versatility and variety of design which are the prerequisites of architectural effect. But this monotony of the checkerboard pattern, which stands out so prominently on paper, need not be so in reality. Versatility in architecture is not in any way hampered by straight streets and square corners. Against whatever æsthetic shortcomings this scheme may have, however, it has certain positive merits besides its simplicity. The city designed on this pattern would facilitate the task of finding one's way about in it. It lends itself excellently to automobile traffic regulations. It enables coherence and individual identity of a city to be maintained by avoiding large-scale diversification of its administrative and other public buildings.

The other general type of street-plan of the city, commonly known as the radial type, has been very popular in Europe. It somewhat faintly resembles a spider's web. The elementary pattern

of this layout is the system of streets radiating out from a common centre. By a repetition of this pattern over a larger area, centres come to be established here and there throughout the city and from these centres main avenues radiate. The right-angled intersections and consequent rectangular and square-shaped building plots are avoided in this scheme, and variety is achieved in the sizing, spacing, and shapes of the building-plots as well as of the streets, avenues and intersections. The superimposition of the grid-iron and the radial scheme yields a large variety of plans which have been with advantage used in the designing of many towns. By such superimposition, with the survey of geographical and other physical factors of the area under consideration, the best that these schemes can separately afford is merged in one whole. By subtle modifications and readjustments of the radial-checker-board patterns a whole range of utility patterns can be worked out for city planning.

Allied with the problem of street lay-outs in city planning is the problem of zoning, whereby the planning authorities endeavour to control the use or occupancy of land within the city limits by restricting such land to certain designated uses or to certain types of structures. By the imposition of such restrictions alone is it possible to prevent the invasion of a residential section by industries or business, or of an industrial section by residences or to regulate the use of specific areas for recrea-

tional or administrative or commercial centres. The prime purpose of zoning is to regulate the growth of cities along orderly lines, in order to avoid unhealthy confusion and to facilitate efficiency in the administration of civic affairs. In its unplanned and haphazard growth, the development of the city will follow the line of least resistance, guided primarily by the profit motive of the individual at the cost of the interests of the community. Zoning benefits the whole community, at the same time benefiting the individuals. To the latter it guarantees stability of values of property, saving the fluctuations of speculation and unregulated growth. It seeks to ensure also that the street on which a man builds a home shall not be open to industrial intrusion which may render it unhealthy and difficult to live in. It prevents each area against encroachment by anything that does not appropriately belong to the zone.

Zoning regulations ordinarily designate specific areas for single detached residences, tenements and income yielding residences, mercantile centre, administrative centre, recreational and entertainment centre, light industrial and heavy industrial areas. All these different zones have different regulations for restricting the heights of buildings, bulk of building in relation to the ground, type of construction, and set-backs from the streets. According to the necessities and circumstances of each area the maximum height of buildings is prescribed,

irrespective of their type or use. The limit is usually, though not always, related to the width of the street on which the building fronts. The percentage of area for building purposes is similarly prescribed, in order to ensure sufficiency of light and air. In prescribing set-backs, the construction is prohibited within a specified distance of the front property line, thereby enhancing the appearance of the street and also keeping provision for inexpensive widening of the street at some future date. In determining the maximum height of buildings, particularly in the cities of high buildings, the consideration is not that of light and air alone, but also that of protecting the streets from over-load on their surface capacity. It may be that the persons concentrated in the skyscraper buildings at any one particular time are greater than the adjacent streets can accommodate. The day-population of some western metropolitan skyscrapers runs into many thousands. These throngs are poured out into the streets at lunch time and at closing time, with consequent acute congestion. In the cities of skyscrapers this problem has been tackled by regulating the heights by the device of step-up-and-step-back, making the building recede at successive stages from the street line according as it adds to its height, thus gradually decreasing its volume at higher stages. In smaller cities the usual plan is to restrict the height to one and one-half times the width of the street of frontage.

A lot of anxious thought has gone to the problem of working out a pattern for the city which may make it a satisfactory place for the modern age. The new conditions of industry and transport, and the need for general social welfare, make it necessary to build up the pattern from first principles. This was attempted in England at the end of last century in the evolution of garden cities, which were sought to unite the pleasures of the towns with those of the country. The plan was that the community should be its own landlord, and that all profits through increase in the value of land should go to the community as a whole. This was aimed at for discouraging speculation and for laying the foundations of planned evolution of the city. The growth of existing cities was to be checked, and the expansion was directed to take place in garden cities, which were to be built around them as satellites, separated from each other and from the old cities by open country and connected together by easy transport routes. The garden cities were to have their civic buildings at the centre, surrounded by a circle of parks. Beyond this circle came a circle of housing, then an industrial circle, and finally, round it all, a belt of agriculture. This idea of comprehending the town as a recognisable entity, complete in itself and in its functions, constituted a new landmark in the development of town-planning thought. Besides the utility of surrounding the town by the country, in its providing contact with natural scenery and

even providing for fresh foods and dairy produce, it afforded the opportunity for a feeling of the town being a self-contained whole, a palpable entity, a thing complete in itself, much like the village. This was the genesis of the thought of limiting the size of cities, in order to render possible a full measure of social life besides attaining a healthy balance of industry and housing. These satellite towns no doubt provide a solution for the expansion of existing cities, and even for rehousing a limited number of people, but they fail to solve the crucial problem of the city itself. Despite the satisfactory character of their own growth, they merely constitute minor palliatives to the organic disability. The problem for tackling is the replanning of the town itself which may make the satellite remedy redundant.

The next big stride in town-planning was the planning of an industrial city without resort to limitations on expansion, by placing the industrial region clear of the rest of the town and enabling the lateral expansion of the town itself, which was planned on the oblong pattern with the main road artery running through it like a spine. In the middle of this spine was the civic centre, and along both sides were the housing, shops, and schools, planned to take full advantage of sunlight in a rectangular grid of roads spaciouly laid out amongst lawns and trees. Heavy traffic was isolated from residential roads. Theoretically this plan enabled unhindered expansion of the city side-ways, but in

practice the intrusion into the surrounding countryside, beyond a certain limit on either side, tended to dislocate transportation and impose an enormous strain on the road system. This led to the designing of compact city on another pattern, with provision for the road system raised above the ground level as well as underground. The industrial region, in this scheme, remained detached from the main city area, connected with it by a raised arterial road, intersected in the heart of the city by another similar raised arterial road running at right angles to it into the regions of the surrounding countryside. With the heavy traffic taken over by the road system above the ground level and underground, it was possible to bring it into the middle of the city without causing congestion. In the heart of the city were located skyscrapers for housing all business and administrative offices. These were spaced wide apart, among lawns and trees. Around these was the main residential area, set spaciouly in park land. In the regions of the countryside there could be located looser and more elastic garden cities, separated by a green belt of wood and fields. A further modification was incorporated in this scheme by allowing for lateral expansion without destroying its unity or amenities. In this scheme, the business and administrative skyscrapers were placed outside the residential area at the other end of the raised arterial road that ran through the middle of the city from the industrial zone. The industrial area and residential area, in

this scheme, could expand side-ways without increasing the travelling distance between them.

Turning now from the larger pattern of the whole city to the smaller scale of the sphere of the activity of the individual, the primary consideration that emphasizes itself is the necessity of giving such form and shape to the environments of the individual that the city, or that part of it with which he is concerned, presents a picture of complete social unit to him. The cities of the present age prevent this conception by their formlessness. They are so big that man cannot grasp them in his mind; he remains a foreigner to most of the constituent parts. To his mind the city does not present any coherence, nor centre, remaining empty of atmosphere, a sort of negative dormitory. The one way in which we could give individuality to the environments of the individual is to split up the city into areas whose size is determined by the individual's everyday needs. Taking the needs of, say, a unit of one thousand people, it would be possible to establish a nursery school and a few small shops within very easy walking distance of the residential unit formed by them. Stepping up from these needs of the residential units, there would be the possibility of establishing, for a larger unit, bigger shops, a restaurant, a religious place of worship, a clinic and health centre, a junior and senior school, and also possibly a social centre. This larger unit may comprise of five thousand people, containing within it five

residential units. This would form an adequate neighbourhood unit, commanding the loyalty and attachment of the residents, next only to their attachment to the residential units. The neighbourhood unit too will have a coherence of its own, with its own offices and parks, also perhaps some small local industrial and distinctive professions. A bigger centre, comprising of eight or ten such neighbourhood units, with forty to fifty thousand population, may well afford to have specialised shops and big stores, a cinema, a public hall and also a hospital. Without losing the coherence of the town, the bigger units are thus evolved out of the smaller residential units, and can be multiplied to include a whole metropolis. At each step in the building up of such a town the social needs are organised so that the whole has a design and coherence based on local centres. The solutions and actual forms will be largely dependent on geographical and other conditions in the locality, but a system of this sort would certainly give a convenient and satisfying pattern to our cities.

The housing conditions in urban India are appalling. The standard of housing is not set by the insignificantly few detached bungalow residences of the upper classes, but by the conditions of living of the middle and lower-middle classes and the working classes. These classes spend their lives in smoky, stinking, dark, crowded, rabbit hutches which are dotted all over the cities much as cancer spots.

The conditions of their living can but produce sordidness and sickness, dwarfing of the physical and moral being. The housing problem of these classes is the problem of the giant Squalor out of the five Beveridge giants : Want, Disease, Idleness, Ignorance and Squalor. This problem is closely associated with those of others, securing its genesis largely in Want and Ignorance and degenerating itself in Disease. It is not ordinarily possible to assess the effects of bad housing by any objective measures of health, such as the comparative morbidity or mortality statistics, because of the difficulty of accurately determining the contribution made to these by the other social factors such as poverty and ignorance. The fact remains, however, that the unsatisfactory and insanitary human dwellings do exert a deleterious effect on the physical and moral health of the individual and the community. For instance, the high morbidity and mortality caused by communicable diseases are undoubtedly partly attributable to bad housing conditions, because overcrowding and bad sanitation not only aid in the dissemination of the infection but tend also to lower the vitality of the individuals. Conditions in India in regard to the sanitation and over-crowding standards of the human dwellings are peculiarly its own, and they would not stand comparison with the conditions prevailing in the worst of slums of the western countries. Whatever little statistics of the housing conditions of some of the Indian cities have

been collected, they present a dismal portrayal of human misery. No less than three fourths of the inhabitants of our cities grovel in this misery, spending their lives in sordid one-room tenements if they are fortunate, or else taking the pavements to be their abodes. In each big city there are tens of thousands herded close together, very often up to twenty persons sharing the same room, with their kitchenettes and baths and beddings huddled in the same room-space. Figures reveal that for the vast majority of the population in congested localities, the available floor space is a mere miserable pittance of six square feet, much less than would be the individual's due even in death.

Housing programme of any nation is the key to the aroused consciousness of its social responsibility. It is only recently that it has come to be appreciated that in the provision of decent and comfortable accommodation the state has as much of an obligation as it has, for instance, in equipping the citizens by educating them or making their lives comfortable by a planned system of highways. Housing is now definitely accepted as a primary social need and a social objective. It is a matter which, considered in the broader community sense, directly affects each individual citizen, determining the fullness and richness of his life, his health, and his general well-being. The standard of amenities demanded by the citizens has noticeably gone up during the present century. There is now a minimum standard of

comfort, below which the individual will not suffer himself to be subjected, and there is also a gradually increasing sense of pride in the maintenance of a good home. The demand on the present-day civic administrations is to give the first priority, among other emergent needs claiming this priority, to a comprehensive housing programme.

The programme of housing has obviously to take precedence over its allied programmes of slum-clearance and amelioration of over-crowding, for there must be adequate provision for de-housed populations before de-housing in slum-clearance can be launched upon. The slum-clearance itself is a primary need for converting hovels into homes, for curing the festering rashes of the slums originating from uncontrolled jerry-building. In adjudging any building area to be a slum-area the determining standards will have to be much lower than those obtaining in the western countries. The standard of England, for instance, where any such building is condemnable for demolition which by reason of disrepair or sanitary defects is unfit for human habitation or by reason of its arrangement or narrowness or bad arrangement of streets may be injurious to health, will cause the majority of the houses of our urban areas to be thus condemned. The prescription of such standards will be divorced from realities of Indian conditions. After application of the principles to the determination of slum-areas, the next step would be to determine whether they can be adequately improved or whether

they would essentially need being demolished. The slum-clearance areas will then be taken up for demolition as soon as arrangements are completed for accommodating the population that would thereby be de-housed. The slum-improvement areas, on the other hand, will be improved in their existing structures. In the case of persons de-housed by the slum-clearance activities, it is the moral responsibility, and should be the statutory obligation, of the local authorities to provide them with alternative accommodation. The act of demolition or improvement would either be carried out through the agency of the owner himself by placing him under a statutory obligation to carry out the directions of the local authorities or, on his failure to do so, by the authority itself, which would be empowered to recover the costs from the owner. The authority is also enabled to purchase the area outright, with its properties, and to directly undertake the demolition or improvement work. In purchasing the areas, the compensation payable should be limited only to the site values where the houses may be insanitary and unfit for human dwelling, and should include the price of buildings only if they are in good condition.

The over-crowding of people in tenements does not come about due to any perversity of the people, but is a direct consequence of the economic factors of poverty, the desire to be in the vicinity of the work-places, and the disability arising out of non-availability of easy and cheap transport. These

factors lead to the pressure on land available for economical housing, and this in turn increases land values. With increase in values, the owners attempt to secure a return on this high valuation by utilizing the land to the utmost. Every inch of it is made to yield revenue, by increasing the bulk and height of buildings, reducing the size of rooms, and only, if at all, leaving as much free space for fresh air and ventilation which may secure compliance with the building regulations. The multiple-family tenement houses are thus set up. The over-crowding in these is not assessable in terms of density of population per acre, nor is it measurable in terms of the number of buildings per unit of area. The problem of over-crowding is related to the housing space available per unit of the family. This problem is of vital concern to the community. Its standards of safety, health, and morals are adversely affected wherever serious over-crowding is permitted, and no considerations of the proprietary rights of the owners or the liberty of tenants must be allowed to hamper the social reform in this direction. The interest of the owners is often at variance with the principles of good housing as a public policy, but while they may be safeguarded against economic injustice or deprivations consequent upon excesses of the law, their proprietary rights must be subordinated to the general welfare. In the pursuit of this policy the clash of interests of the land-owners, house-owners, building contractors, building-material dealers, and

even of the tenants, has to be overcome. The residents of the hovels themselves present a serious opposition to being dislodged from the abodes of their previous generations. Sentiment, besides tradition and long usage, attaches them to this squalor. The reformist zeal is discouraged by such opposition from the people in whose interest the reforms are undertaken, but it would console itself in the thought that those who fight for the poor must fight the poor to do it.

Housing, as a positive programme of construction of houses to meet the requirements, is a problem of vast magnitude. There is bound to be an enormous building activity in this post-war era as soon as the economic and political conditions are stabilised. The building activity has remained practically suspended during all the war years. There is money now in the hands of the people and it will increase with the general increase in national wealth. The increasing industrialisation of the country will stimulate extensive building operations. The continuing exodus from the villages and rehabilitation of demobilised soldiers will continue piling up the necessity for more houses. In a province of the size of the Punjab alone it is estimated that these factors collectively may necessitate the construction of no less than 800,000 houses in its towns in the course of next twenty years. It is true that the housing problem cannot be solved by direct action of the public authorities constructing city-owned

tenements. Such action can make only a dent in the problem. London, for instance, is the foremost example of municipal effort in constructing workmen's dwellings, yet fewer than even one per cent London's workers are housed in publicly owned tenements. This effort, however, sets the pace and constitutes the beginning. It is an obligation on the state that every individual should secure some prescribed minimum standard of living. Included in this standard of life is the right to decent, habitable accommodation. The initiative for this cannot come from private enterprise, for the property-owners and speculators cannot be expected to build for hiring out or sale at uneconomic returns. The buildings for the poorer and working classes can only bring in uneconomic rents, and the alternative provided by private enterprise is the accommodation in profit making slums. When it thus becomes uneconomic and unprofitable for private enterprise to meet an essential public demand, it is the function of the constituted authority to step in and provide the service, if necessary at a loss. Private interests will not construct roads and sewerage systems for the city or undertake to educate the people, but these undertakings which start with being expensive and unprofitable ventures, finally yield enormous bonus in the shape of healthy, cheerful lives, and, in terms of money value and efficiency, bring in a good yield on the out-lay. Housing programme is also, similarly, an expensive undertaking, unprofitable in

terms of immediate money returns. Yet there is no expenditure which will pay the nation better in the very next decade, than the expenditure incurred on housing. Nothing matters more, nothing in fact affects more, than the fabric of our dwellings and the habitats of our towns. At one stroke, by this social reform, would the nation cut off its low vitality, poor morale, sickness, absenteeism, low efficiency and consequent low earnings, ignorance, low-production, malnutrition, under-nutrition, unhappiness and human suffering.

This enormous problem will not bear any tinkering with. The considerations of cost, the counting of rupees, would be derogatory to its importance and urgency. The local authorities must be ensured the means to enter boldly upon their housing programmes. The financial assistance to them must be such as to form an inducement to further effort. They must be given generous grants and encouraged to raise easy loans from the state as well as by public issue of stock or through banks and insurance companies. They must be subsidized in their expenditure on housing, preferably by a system of annual contributions spread over the average life of the houses they construct. An intelligently worked out housing programme will lead also to a large-scale employment of labour in the building industry, contributing substantially to the national wealth while building up its physique. Efficiency in building industry, by the judicious selection

of building material and the use of technological advancement in constructional engineering, should be developed. The greater the output of building trade per man and per unit of invested capital, the larger the number of houses it will be possible to build, and the cheaper they will be in money terms. With such a scheme of efficient and cheap construction, the objective should be to provide accommodation to the maximum number possible who stand in need of shelter or are de-housed in the slum-clearance, and at rents which they may be able to easily afford. The benefit of subsidized houses should go to the classes who are sought to be benefited by the housing programme. This benefit is not meant for those wage-earners who have no moral claim to subsidized accommodation. It is apparent that even with the maximum reduction in rents by reduction in building costs, it may still be beyond the capacity of the lowest wage-earner to pay those rents. It is for the poorer section of the population, at and below the subsidy level, that this benefit must be reserved.

In entering upon the housing programme for working class families, the instinctive desire for ownership and possession of the house, the pride of owning the house, should also not be lost sight of. The government and municipal authorities should promote schemes whereby homes could be purchased on repayment system in the form of spreading of the cost over easy instalments. This function is at

present being performed at various places by building societies established on co-operative basis. The government and municipal effort in this direction should be to make the houses available at such terms that the fees charged over and above the building costs would be limited to the barest minimum necessary to cover the cost of collection by easy instalments. In this way the more thrifty would be able to feel the pride which comes with possession. In old age they would have the satisfaction of having a home of their own instead of a muddle of rent books which is all that so many of us have to show for a life-time's work. The co-operative building societies should be constituted and encouraged wherever possible. These societies will furnish credit for building houses and will also themselves build houses for sale against easy instalments. Their success will be largely dependent on the strong backing of the government and local authorities.

In the matter of housing it is the concerted effort of all that is needed. Private enterprise, building societies, friendly societies, trade unions, industrial co-operative societies, philanthropic bodies, employers of labour, public utility services, housing associations, government and local authorities, they must all pull their weight together. This problem confronting the administrations of the modern age is substantially the same, though obviously of greater magnitude and diversity, which was the concern of the successive administrations down from ancient

times. The opportunity of aroused civic consciousness, of greater co-operative effort, and of advanced technology, is, however, a special privilege of the present day. Of these the new range of materials and the new conceptions in engineering and designing hold out the promise of transformations which could not be conceived even a few years ago. The construction previously depended on natural materials, fashioned into shape by hand. The building was a laborious process of placing brick upon brick and stone upon stone. These imposed limitations, which the replacement of hand labour by the machine has now set at naught. Machine fashions things quickly, in immense variety, and in great quantities. These materials, unlike stone and brick, range over numerous varieties and embody structural possibilities which were undreamt of in the past. The machine also provides new ways of assembling materials. In the past, most of the fashioning and fitting together was done at the site. Today houses come out of the factory practically ready made, of material easy to transport and to assemble. The windows and doors, fireplaces and kitchen cupboards, walls and balconies, all are now available ready for quick assemblage. By the present-day mass-production methods it is possible now to turn out a completely modern house, of four to five rooms fitted with all the gadgets of modern comfort and convenience, at about one-third the cost of the similar, yet ill-equipped, house of brick

and mortar. These prefabricated houses are purchased in much the same way as one purchases a car. One goes to the builder to buy a house ready made and selects it from the dozens of basic models designed by the greatest architects. The erection of complete house, from foundation to the roof, does not require more than five or six men working for more than one day. The house of this prefabricated material is solid, substantial, durable, and not flimsy or temporary, and is not at the mercy of the elements of heat, cold or rain. In a few hours such a house could be expanded to accommodate unexpected guests, and also be demounted for shift to another surrounding. With two-inch thick wall of a material of greater strength than the two feet thick masonry walls, there would be better protection in these houses against the elements or against fire, dust, dampness and noise.

The citizen of today will not put up for long with the squalid city shack or the tumble-down slum home. There is the urge in him to get out of the smoky man-made inferno. His escape from the murky atmosphere is at present like that of the prisoner breaking jail, disregarding of the consequences and not knowing what lies before him, concentrating entirely on the escape itself. It is up to the administrative authorities to plan ahead for his rehabilitation and not to allow the subterfuge of his escape to be turned into another prison-house for

him. From the damp, evil darkness, he rushes out to meet the light. Let not the light, and fresh air, be denied to him in his new house. Be this the vision and the ideal for the morrow !

BIBLIOGRAPHY

1. Local Government (1934). H. Lloyd Farry. P. S. King & Son Ltd., London.
2. The Culture of Cities (1944). Lewis Mumford. Secker & Warburg, London.
3. Building and Planning (1945). G. D. H. Cole. Cassell & Co. Ltd., London.
4. Rebuilding Britain (1943). Published by the Royal Institute of British Architects. Lund Humphries, London.
5. The County of London Plan (1945). Explained by E. J. Carter and Ernö Goldfinger. Penguin Book.
6. Portrait of a City's Housing (1945). B. Seebom Rowntree. Faber and Faber Ltd., London.
7. Social Studies and World Citizenship (1943). L. J. F. Brimble & F. J. May. MacMillan & Co. Ltd.
8. Ways and Means of Re-Building. Being a report of London Conference of 1943. Edited by Donald Tyerman. Faber & Faber Ltd., London.
9. Municipal Administration (1934). William Bennett Munro. Macmillan & Co.
10. Municipal Government and Administration. Vol. I & Vol. II. William Bennett Munro. MacMillan & Co.
11. Outline of Town and City Planning (1936) Adams.
12. Reconstruction and Town and Country Planning (1943). Sir Gwilym Gibbon. The Architect and Building News, London.
13. The Plan of London County. Lewis Mumford. Faber & Faber Ltd., London.
14. Local Government for Beginners (1927). Margaret I. Cole. Longmans Green & Co. Ltd.
15. The Reform of Local Government Finance (1945), A. N. Silver. Lawrence & Wishart Ltd., London.
16. Housing Before the War and After (1943). M. J. Elsas. P. S. King and Staples Ltd., Westminster.
17. Country and Town. A Summary of Scott and Uthwatt Reports. (1943). Penguin Special.
18. T. V. A. (Tennessee Valley Authority) (1944). Democracy on the March. David E. Lilienthal. A Penguin Special.
19. Local Government in England and Wales (1945). W. Eric Jackson. Pelican Book.
20. Town Planning (1945). Thomas Sharp. Pelican Book.
21. Picture of a Plan (1945). Minoo Masani. Oxford University Press.
22. A Plan of Economic Development for India, Part I and Part II, by the Eight Indian Industrialists.

23. Post-War Educational Development in India (1944). Report of the Central Advisory Board of Education. Government of India Press.
24. Reconstruction Committee of Council. Report on Reconstruction Planning. Government of India Press.
25. Essays in Municipal Administration. Vidya Dhar Mahajan. Doaba House, Lahore.
26. The Origin and Working of the Punjab Municipal Executive Officers Act. Vidya Dhar Mahajan. University Book Agency, Lahore.
27. Housing Indian Labour (1945). Kanji Dwarkadass. Thacker & Co. Ltd., Bombay.
28. Local Self Government in India (1944). M. P. Sharma. Hind Kitabs, Bombay.
29. Town Planning in India (1929). Linton Bogle. Oxford University Press, London.
30. Town Improvement Trusts in India (1945). R. S. Om Parkash. Federal Law Book Depot, Delhi.
31. Local Government in India (1944). Masud-ul-Hasan. Published by the Author, Lahore.
32. Annual Reports of the Public Health Commissioner, Government of India.
33. Report of the Local Self Government Committee, Part I, Part II, Appointed by the United Provinces Government in 1938.
34. Report of the Local Self Government Committee, Bombay (1939).
35. Report of the Proceedings of the Conference of Local Bodies, held in Poona in August 1940.
36. Report of the Benares Municipal Board Enquiry Committee (1933).
37. Report of the Lucknow Municipal Board Enquiry Committee (1942).
38. Report of the Agra Municipal Board Enquiry Committee (1942).
39. Annual Administration Reports of Lahore Corporation, Lahore Improvement Trust, Municipal Boards of Poona, Delhi, Meerut, Cawnpore, etc.
40. Quarterly Journal of the Local Self Government Institute, Bombay.
41. Local Self Government Review. Quarterly Journal of the Indian Union of Local Authorities.
42. Reconstruction in Post-War India. A Plan of Development all round. Sir M. Visvesvaraya, Bombay.
43. Post-War Construction. D. Pant. Kitab-Mahal, Allahabad.
44. Post-War Development Plan for Punjab (1945). Government Printing Press Punjab, Lahore.
45. Report of the Health Survey Committee of the Government of India. Government of India Press.
46. Century of Municipal Progress (1835—1935). Laski and others.
47. Constitution, Function and Finance of Indian Municipalities. Shah and Bahadurji.
48. Local Government in many lands (1933). Harris.

(54602)



ALLAMA IQBAL LIBRARY



59602